

Name G-17282
By MCNULTY WATER PUD
Address RICHARD LOUIE
PO BOX 260
ST HELENS OR 97051

C-27

Priority Nov 4 2009

County COLUMBIA WM# 18

RELATED FILES

DEVELOPMENT

Date

Completion 8/23/2015

Extended to 10/1/2027

Final Proof received _____

Proposed Cert. Mailed _____

Application No. G17282
Permit No. G-16779
Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
<u>11-4-09</u>	<u>1650⁰⁰</u>	<u>98402</u>
<u>8-19-15</u>	<u>575.⁰⁰</u>	<u>117049</u>
<u>10-1-15</u>	<u>25.⁰⁰</u>	<u>117574</u>
<u>6-3-16</u>	<u>350⁰⁰</u>	
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION _____



**UNITED STATES
POSTAL SERVICE**

FORM 3547 fee due \$0.63

Restricted Data

*First-Class Mail
Postage and Fees Paid
USPS
Permit No. G10*

For Sale
Postage and Fees Paid
Permit No. G10
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Permit No. G10

G-17282

G-17282
Hatch Ringer
1438 Peterson Swamp Rd
Colville, WA 99114

RECEIVED

MAY 25 2021

OWRD

OLD:

**RINGER
1436 PETERSON SWAMP RD
COLVILLE WA 99114-8600**

NEW:

**PO BOX 513
LIND WA 99341-0513**

TO THE POSTMASTER OF

**725 SUMMER ST NE STE A
SALEM OR 97301-9998**





Oregon

Kate Brown, Governor

Water Resources Department

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

August 3, 2017

*Cc: G-
APP 17282
PERMIT G-16779*

McNulty Water PUD
Attn: Jeff Anderson
PO Box 260
St. Helens, OR 97051

2nd Notice

REFERENCE: PAST DUE Requirement for Submittal of a Water Management and Conservation Plan (WMCP)

Dear Mr. Anderson:

This notification is provided to you as a 2nd courtesy reminder of a requirement related McNulty Water People's Utility District's (PUD) Water Management and Conservation Plan (WMCP).

On September 7, 2001, the Oregon Water Resources Department issued a final order approving the PUD's WMCP. The final order specified that an updated WMCP meeting the requirements of OAR 690, Division 86 be submitted to the Department no later than **March 20, 2005**. The Department most recently received a request on November 4, 2014 to allow additional time to submit an updated WMCP. An updated plan was required to be submitted to the Department no later than **June 1, 2015**.

Additionally, on November 1, 2016, the Department issued a final order approving an Extension of Time for Permit #G-16779. The final order specifies that an updated WMCP meeting the requirements of OAR Chapter 690, Division 086 be submitted to the Department no later than **November 1, 2019**.

It is strongly recommended that your WMCP be submitted as soon as possible to help minimize potential problems related to requesting certification of a water use permit, obtaining new water right permits or accessing water beyond any development limitations specified under an extended permit. Please remember that the PUD is currently limited to **0.0 cfs** under Permit G-16779. Appropriation of **any water** under Permit G-16779 shall only be authorized upon issuance of a final order approving a WMCP.

Submittal and approval of a WMCP will satisfy both of these requirements. If you have any questions related to this notification, please do not hesitate to contact me by telephone at 503-986-0883 or by e-mail at Chris.C.Kowitz@oregon.gov.

Sincerely,

Chris Kowitz

Water Management and Conservation Analyst
Water Right Services Division

Oregon Water Resources Department
Water Right Services Division

Water Right Application
Number G-17282

In the Matter of the Application for an Extension of Time)	FINAL ORDER
for Permit G-16779, Water Right Application G-17282,)	INCORPORATING
in the name of the McNulty Water People's Utility District)	SETTLEMENT AGREEMENT

Permit Information

Application File G-17282/ Permit G-16779

Basin 2 – Columbia Basin / Watermaster District 18

Date of Priority: November 4, 2009

Authorized Use of Water

Source of Water:	Well McGilvra #2 in Milton Creek Basin
Purpose or Use:	Municipal use
Maximum Rate:	1.0 cubic foot 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-16779 was issued by the Department on August 23, 2010. The permit called for completion of construction by August 23, 2015, and complete application of water to beneficial use by August 23, 2015. On August 19, 2015, Jeff Anderson, General Manager of McNulty Water PUD submitted an application to the Department for an extension of time for Permit G-16779. In accordance with OAR 690-315-0050(2), on April 19, 2016, the Department issued a Proposed Final Order proposing to deny the time to complete construction from August 23, 2015 to October 1, 2027 and the time to fully apply water to beneficial use from August 23, 2015 to October 1, 2027. The protest period closed June 3, 2016, in accordance with OAR 690-315-0060(1). McNulty Water PUD filed a timely protest with the Department on June 3, 2016.

The McNulty Water PUD protested the Proposed Final Order to Deny the extension for, among others, the following reason:

- Actual construction began by the deadline required by Permit G-16779, being August 23, 2015.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 19, 2016.

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

Finding of Fact 7, as shown in the Proposed Final Order is stricken and replaced with the following:

7. Actual construction began prior to August 23, 2015, the original time period specified in the permit, as evidenced by supplemental information submitted to the Department on June 3, 2016. In or around July or August 2010, McNulty Water PUD installed over 100 feet of water line from the District's main line at Hankey Road to the existing well at the project site, being Well McGilvra #2 (COLU 1225).

The Department has determined that the prosecution of the construction of the project began prior to August 23, 2015.

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.

Finding of Fact 10, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~striketrough~~" text):

10. The Department finds that the work accomplished does ~~not~~ fall under the definition of actual construction to demonstrate that actual construction began.

Finding of Fact 11, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~striketrough~~" text):

11. As of August 24, 2015, the McNulty Water PUD has not diverted any water authorized under Permit G-16779 for municipal purposes. There has been no beneficial use of water.

~~As required by OAR 690-315-0080(1)(b), the permit holder was not able to demonstrate that actual construction of the project began (commenced) within the time period~~

~~required by ORS 537.630(2), being no later than August 23, 2015, in order to be within the five year time period as specified in the permit. ORS 537.630(2) provides that the Department may only allow an extension of time to complete construction and/or to perfect a water right permit beyond the specified permit under certain conditions. The time to begin construction may not be extended.~~

The Department ~~cannot~~ finds that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-q) 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).

Finding of Fact 12, as shown in the Proposed Final Order is stricken and replaced with the following:

12. Prior to the issuance of Permit G-16779 on August 23, 2010, McNulty Water PUD installed over 100 feet of water line from the District's main line at Hankey Road to the existing well at the project site, being Well McGilvra #2 (COLU 1225).

Finding of Fact 13, as shown in the Proposed Final Order is stricken and replaced with the following:

13. As of August 24, 2015, McNulty Water PUD has invested \$50,000 for development of this project. McNulty Water PUD estimates an additional \$660,000 investment is needed for the completion of this project. The Department recognizes that while some of these investment costs are unique to construction and development solely under G-16779, other costs included in this accounting are not partitioned out for G-16779 because (1) they are incurred under the development of a water supply system jointly utilized under other rights held by the City of St. Helens and McNulty Water PUD, and (2) they are generated from individual activities counted towards reasonable diligence and good faith as listed in ORS 690-315-0080(4) which are not associated with just this permit, but with the development and exercise of all of McNulty Water PUD's water rights.

Finding of Fact 14, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "~~strikethrough~~" text):

14. According to McNulty Water PUD no water has been appropriated for municipal purposes. Beneficial use of water has not yet been demonstrated under this permit because none of the permit conditions were satisfied by August 23, 2015.

Based on Findings of Fact 7 through 14, above, the Department finds that the applicant has demonstrated ~~a lack of~~ good faith.

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

Finding of Fact 15, as shown in the Proposed Final Order is stricken and replaced with the following:

15. As of August 24, 2015, McNulty Water PUD has invested \$50,000 for development of this project. McNulty Water PUD estimates an additional \$660,000 investment is needed for the completion of this project.

Economic investment in the project to date [OAR 690-315-0080(5)(d)]

Finding of Fact 17, as shown in the Proposed Final Order is stricken and replaced with the following:

17. According to McNulty Water PUD, as of August 24, 2015, they have invested \$50,000 for complete development of this project. McNulty Water PUD estimates an additional \$660,000 investment is needed for the completion of this project.

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

Finding of Fact 18, as shown in the Proposed Final Order is stricken and replaced with the following:

18. McNulty Water PUD expects to obtain a fair and reasonable return on investment by continuing development of Permit G-16779.

ADDITIONAL FINDING OF FACT

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.

21. As of August 24, 2015, McNulty Water PUD had appropriated no water authorized under Permit G-16779 for municipal purposes. There is an undeveloped portion of 1.0 cfs of water under Permit G-16779.
22. In addition to the 1.0 cfs of water authorized under Permit G-16779 (Well McGilvra #2), McNulty Water PUD holds the following water right certificates:
 - Certificate 57888 for 0.04 cfs of water from Deshazer Well in the Columbia River Basin, for domestic and commercial use;
 - Certificate 58654 for 0.04 cfs of water from Deshazer Well in the Columbia River Basin, for quasi-municipal uses during the non-irrigation season of each year;

- Certificate 58655 for 1.0 cfs of water from Deshazer Well in the Columbia River Basin, for quasi-municipal uses;
- Certificate 61176 for 1.0 cfs of water from Millard Road Well in the Columbia River Basin, for quasi-municipal uses;
- Certificate 65072 for 0.6 cfs of water from Well #1 in the Columbia River Basin, for quasi-municipal uses;
- Certificate 87258 for 0.56 cfs of water from a Well in McNulty Creek Basin, for quasi-municipal use; and
- Certificate 87259 for 0.78 cfs of water from Robinette Well in the Willamette Basin, for quasi-municipal use.
- ASR Permit #002 for 0.89 cfs of water from Stone Road Well 1 and 2, Millard Well, and Blaha Well 1 and 2, for Aquifer Storage and Recovery.

These water rights and permits total 4.91 cfs of water, being 4.91 cfs of ground water. McNulty Water PUD has not yet made use of 1.0 cfs of water under Permit G-16779.

23. According to McNulty Water PUD, its peak water demand within its service area boundaries was 1.7 cfs in 2014.
24. According to McNulty Water PUD, in 2013, the population within the service boundary was 2,451. McNulty Water PUD estimates the population will increase at growth rate of 2.5 percent per year, reaching an estimated population of 3,463 by the year 2027. McNulty Water PUD states that as of 2014 it had 917 service connections. Growth projections from the 2007 Master Water Plan were adjusted to align with actual growth realized through 2014. McNulty Water PUD has seen a positive increase in service requests thus far through 2015 and is optimistic of future growth with the district.
25. According to McNulty Water PUD, its peak day demand is projected to be approximately 2.06 cfs of water by the year 2027. According to McNulty Water PUD, the service area is generally comprised of Rural Residential 2 (RR2), Rural Residential 5 (RR5), Forest Agricultural (FA-80), Primary Agricultural (PA-80), and Primary Forest (PF-80). The RR2 and RR5 zones are centrally located within McNulty Water PUD's current service area. Many of the RR2 and RR5 properties remain underdeveloped and are anticipated to experience in-fill development. Development in the RR2 and RR5 zones will bring new residential customers and increase system demands.
26. Full development of Permit G-16779 is needed to address the present and future water demand of McNulty Water PUD, including system redundancy and emergency use.

27. Given the amount of development left to occur, the Department has determined that McNulty Water PUD's request for an extension of time until October 1, 2027, to complete construction and to apply water to full beneficial use under the terms and conditions of Permit G-16779 is both reasonable and necessary.

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.

28. The Department has considered McNulty Water PUD's compliance with conditions, and has identified the following concerns: (1) the record does not show that a totalizing flow meter or other suitable measuring device has been installed, (2) the required March static water level measurements have not been received by the Department, and (3) annual reports of the amount of water used each month have not been received by the Department. The Department recognizes that it is the intent of McNulty Water PUD to comply with all permit conditions at the time the conditions become applicable.

The Department has determined that this extension will allow the totalizing flow meter to be installed, and the annual water use reports and March static water level measurements submitted after August 23, 2015 to satisfy compliance of the conditions of, "Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation", "The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year," and "In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31," in an effort to make proof of beneficial use of the water as required by Permit G-16779.

The use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

29. According to the Application, from 2008 through 2014 customer growth was curtailed in large part due to the global economic recession and decline in the local housing market. The limited growth lead to decreased income from system development charges which support capital improvements such as the development of the well pursuant to Permit G-16779. Given the financial stress of the time, McNulty Water PUD's Board of Directors did not see that it was prudent to direct funds to capital improvements.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For municipal or quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

30. As described in Findings 7 through 26 McNulty Water PUD has indicated, and the Department finds that, McNulty Water PUD must rely on full development of Permit G- 16779 to meet its present and future water demands.
31. McNulty Water PUD projects a population increase of 2.5 percent per year over a 14 year period, from 2014 to 2027, and also expects residential growth.
32. Given the current water supply situation of McNulty Water PUD as well as current and expected demands, there is a market and present demand for the water to be supplied under Permit G-16779.
33. According to the application, it has recently come to the attention of McNulty Water PUD that existing well and associated easement purchased by McNulty Water PUD to support Permit G-16779 was subject to a private water system agreement between the original owner and two adjacent properties. This agreement was not disclosed by the property owner at the time of the purchase and agreement with McNulty Water PUD. McNulty Water PUD is currently working with the two other parties who have interest in the well to establish an agreement for water service. The Department was notified of this matter as documented in a letter submitted to E. Timothy Wallin, dated May 27, 2015.
34. OAR 690-315-0090(3) requires a condition on this extension of time to ensure that appropriation of any water up to 1.0 cfs under Permit G-16779 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.
35. OAR 690-315-0050(6) requires a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 2 of the "Conditions" section of this PFO to meet this condition.

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

36. McNulty Water PUD expects to obtain a fair and reasonable return on investment by continuing development of Permit G-16779.

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

37. According to the application, McNulty Water PUD and the City of St. Helens have been working collaboratively for years to establish responsibility of providing water service where McNulty Water PUD's service area overlaps the City of St. Helens Urban Growth Boundary (UGB). On September 23, 2013, the *Urban Service Agreement Relating to Provision of Water Service* was signed between McNulty Water PUD and the City of St. Helens. Preparing the agreement included a detailed review of McNulty Water PUD's system including; I. Quantity and Quality of Service, II. Financial Capacity, III. Customer Financial Impact, Rates, Equity and Bills, IV. Operation Capacity, V. Management Capacity, VI. Customer Accountability, and VII. Demographics and Sociological Trends. Generating and assembling this data was a great effort of both personnel and financial resources. This agreement is essential to understanding McNulty Water PUD's long term service area, water needs, and customer growth projections.

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

38. Delay of development under Permit G-16779 was due, in part, to the McNulty Water PUD completing the Urban Services Agreement with the City of St. Helens, and the approval of the Application for Aquifer and Storage Removal, which constitute two major components of the framework for a water system master plan update.

CONDITIONS

1. Development Limitations

Appropriation of any water up to 1.0 cfs under Permit G-16779 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-16779 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established herein for the submittal of a Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve a Permit Holder 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.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021 and 2026. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The Department and McNulty Water People's Utility District signed a Settlement Agreement on October 20, 2016. The Settlement Agreement is attached hereto and incorporated by reference as if fully set out in the Final Order Incorporating Settlement Agreement.

CONCLUSION OF LAW

Conclusion of Law #3, on page 7 of the Proposed Final Order, is herein modified to read as follows:

As required by OAR 690-315-0080(1)(b), the permit holder was able to demonstrate that actual construction of the project began (commenced) within the time period required by ORS 537.630(2), being no later than August 23, 2015, in order to be within the five year time period as specified in the permit.

Conclusion of Law #4, on page 7 of the Proposed Final Order, is herein modified to read as follows:

Full application of water to beneficial use can be completed by October 1, 2027¹ pursuant to OAR 690-315-0080(1)(d).

¹ 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 Department, for issuance of a water right certificate; or (2) continue to appropriate water under the water right permit until the Department conducts a survey and issues a water right certificate under ORS 537.625.

ULTIMATE CONCLUSION OF LAW

Good cause exists to approve an extension of time to complete construction and apply water to full beneficial use from August 23, 2015 to October 1, 2027, pursuant to ORS 537.630, ORS 539.010(5) and OAR 690-315-0080(3).

ORDER

The extension of time for Application G-17282, Permit G-16779, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from August 23, 2015 to October 1, 2027. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from August 23, 2015 to October 1, 2027.

DATED: November 1, 2016

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

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 Corey A Courchane at (503) 986-0825.

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.

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

IN THE MATTER OF APPLICATION FOR	)	SETTLEMENT AGREEMENT
EXTENSION OF TIME FOR PERMIT G-16779,	)	
IN THE NAME OF MCNULTY WATER	)	
PEOPLE'S UTILITY DISTRICT.	)	
<i>Applicant, Protestant</i>	)	

The Oregon Water Resources Department ("Department") and McNulty Water People's Utility District ("McNulty") (collectively "the Parties") do hereby stipulate and agree in this Settlement Agreement as follows:

A. Background

1. On August 19, 2015, McNulty Water People's Utility District filed an Application for Extension of Time for Permit-16779.
2. On April 19, 2016, the Department issued a Proposed Final Order recommending denial of the extension request.
3. On June 3, 2016, McNulty filed a timely protest.
4. The Parties agree that the protest is resolved solely on the terms set forth in this Agreement.

B. Consent

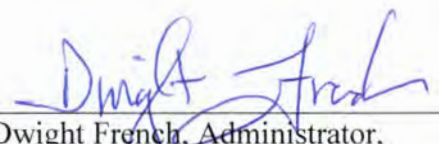
1. Each Party to this Agreement certifies that it has read the entire Settlement Agreement, including the draft Final Order Incorporating Settlement Agreement, and understands and agrees with the contents thereof.
2. Each Party to this Agreement understands and agrees that this Agreement and all documents incorporated by reference set forth the entire agreement of the parties.
3. Each Party to this Agreement understands and agrees that this Agreement and the Final Order Incorporating Settlement Agreement issued pursuant to this Agreement constitute the complete and final resolution of the protest.
4. Effective upon the signing of this Agreement by the Parties, McNulty Water People's Utility District waives any and all rights to petition for judicial review of this Agreement, and waives any and all rights to request reconsideration, petition for judicial review, or appeal the Final Order Incorporating Settlement Agreement.

RECEIVED BY OWRD

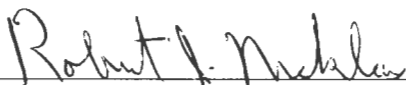
OCT 13 2016

C. Terms of the Agreement

1. Once each Party has signed this Agreement, the Department will issue a Final Order Incorporating Settlement Agreement consistent with the attached draft Final Order Incorporating Settlement Agreement.
2. Each Party to this Agreement represents, warrants, and agrees that the person who executes this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that Party and bind that Party to the terms of this Agreement.
3. Each Party to this Agreement certifies that it has had a reasonable opportunity to review and request changes to the Agreement, and that it has signed this Agreement of its own free will and accord.
4. The Parties agree that nothing in this Agreement or the Final Order Incorporating Settlement Agreement establishes factual, legal, or policy precedent.
5. This Agreement may be signed in counterparts.


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

10/20/16
Date


Robert Nicklaus, Vice President
McNulty Water People's Utility District

September 23, 2016

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OCT 13 2016
SALEM, OR

Mailing List for Extension FO Copies

FO Date: November 1, 2016

Application G-17282

Permit G-16779

Original mailed to permit holder:

McNulty Water PUD

Attn: Jeff Anderson

PO Box 260

St. Helens, OR 97051

Copies sent to:

1. WRD - App. File G-17282/ Permit G-16779
2. AKS Engineering & Forestry
Attn: John Christiansen
12965 SW Herman Road #100
Tualatin, OR 97062
3. Cable Huston LLP
c/o Clark I. Balfour
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204

Fee paid as specified under ORS 536.050 to receive copy:

4. Jordan Ramis PC
Attn: Peter D. Mohr
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035

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

(DONE BY EXTENSION SPECIALIST)

5. WRD - Watermaster District 18, Jake Constans

CASEWORKER: CAC

Copies Mailed	
By:	<u>SP</u> (SUPPORT STAFF)
on:	<u>11/1/16</u> (DATE)

CABLE HUSTON LLP

NICOLE M. SWIFT

nswift@cablehuston.com

October 11, 2016

VIA U.S. MAIL

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

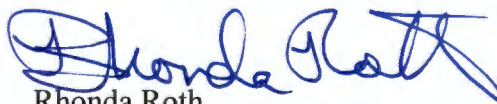
Re: *McNulty Water PUD Application for Extension of Time for Permit G-16779*

Dear Ms. McCarty:

Enclosed please find a signed original copy of the Settlement Agreement with regard to the above-referenced matter.

Please let us know if you have any questions. Thank you.

Sincerely,



Rhonda Roth
Assistant to Nicole M. Swift

Enclosure

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OCT 13 2016

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25272.001\4825-2523-6026.v1

MCCARTY Patricia E

From: MCCARTY Patricia E
Sent: Wednesday, August 10, 2016 2:47 PM
To: Nikki Swift (nswift@cablehouston.com); 'Clark Balfour'
Cc: MCCARTY Patricia E (patricia.e.mccarty@state.or.us)
Subject: McNulty Water PUD Application for Extension of Time for Permit G-16779
Attachments: G-16779_Settlement_Agreement.docx; draft-G-17282-FO-Ext-2016.docx

Ms. Swift and Mr. Balfour,

Attached, finally, is a draft Final Order Incorporating Settlement Agreement, and a simple Settlement Agreement. Please review these documents and let me know if they need to be revised. If they are acceptable, return a signed settlement agreement to me. A scanned document by email is sufficient, although an original signature on a hard copy would be appreciated. When that is received, the agreement will be signed by Dwight, and the final order will be issued as soon as we can get it out.

Thank you for your patience.

Sincerely,
Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
(503) 986-0820

BEFORE THE
OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION

In the Matter of the Application for an	)	
Extension of Permit G-16779, Water Right	)	
Application G-17282, in the Name of the	)	Protest and Request for a
McNulty Water District People's Utility District	)	Contested Case Hearing

McNulty Water People's Utility District (the "District" or "Petitioner") files this protest ("Protest") to the Proposed Final Order ("PFO") to deny the District's application for an extension of time: (a) to complete construction under Permit G-16779 from August 23, 2015 to October 1, 2026; and (b) to apply water to full beneficial use under Permit G-16779 from August 23, 2015 to October 1, 2027.

This protest, along with a check for \$350, has been filed pursuant to OAR 690-315-0060, OAR 690-315-0080, the PFO, and ORS 536.050(1)(j). The District requests that the Water Resources Department (the "Department") correct the errors in the PFO and grant the District's requested extension. Failing that, the District requests that the Department hold a contested case hearing to address the issues raised in this Protest.

A. Name, Mailing Address, and Telephone Number of Petitioner

McNulty Water People's Utility District
34240 Millard Road
Warren, OR 97053
(503) 397-1301

c/o Cable Huston LLP
Clark I. Balfour
cbalfour@cablehuston.com
Nicole M. Swift
nswift@cablehuston.com
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204
(503) 224-3092

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B. Description of Petitioner's Interest in the PFO

The District has a direct and personal stake in this proceeding, as the District is the holder of Permit G-16779, and the PFO proposes to deny the District's application for an extension of time to complete construction and apply water to full beneficial use under the permit.

C. Detailed Description of How the Action Proposed in the PFO Would Adversely Affect or Aggrieve the Petitioner's Interest

The District is a People's Utility District, organized under ORS Chapter 261, and a Special District under ORS 198.010, which provides municipal water services to an estimated

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population of over 2,400 people. The PFO as currently drafted would potentially adversely affect or aggrieve the District's interests, as the PFO proposes to deny the District's application for an extension of time to complete construction and apply water to full beneficial use. As discussed in more detail below, the District acquired the subject water source to continue providing dependable service to customers, and denial of the District's application for an extension of time may affect the District's ability to do so.

D. Detailed Description of How the PFO Is in Error or Deficient and How to Correct the Error or Deficiency

As a municipal water services provider, it is vital that the District acquire and retain an adequate water supply for current and future customers. Accordingly, to ensure that the District can continue to provide quality water services to its customers, the District must secure potentially viable sources of water.

By 2009, the District discovered a need for additional sources of water, particularly in the Robinette and Smith pressure zones. On or around May 7, 2009, the District executed a Well Ownership and Easement Agreement¹ with Richard and Ellen Bailey in order to obtain a site to provide a dependable water supply to current customers, to serve as an emergency supply if the booster pumps providing water to these zones were to break down or lose water, and to meet the demands of a forecasted growing base of future customers.² The District paid \$50,000 in exchange for the ownership of the existing well, easements, and the right to drill a new well at the site (the "Project").³

On or around November 4, 2009, the District applied for a water permit with the Department, Application No. G-17282.⁴ On or about August 23, 2010, the Department issued Permit G-16779, which—among other things—authorized the District to appropriate water from the Project site. Thereafter, the District expended considerable time and financial resources on the Project. For example, in or around July or August 2010, the District installed over 100 feet of water line from the District's main line at Hankey Road to the existing well at the Project site.⁵ Also, in or around early 2011, the District submitted a site plan for the new well for approval by the Oregon Drinking Water Program ("DWP"). DWP approved the plan on or about February 18, 2011.⁶ The District also employed consultant services for planning, design, and other development issues for the Project.

In or around 2009, the District commenced a proceeding before the Oregon Public Utility Commission to establish its exclusive service territory. That proceeding was resolved when the District and the City of St. Helens, Oregon worked together to establish responsibility for water service in the District service area that overlaps the City of St. Helens' Urban Growth Boundary ("UGB"). In or around September 2013, the District and St. Helens finally executed an "Urban Service Agreement Relating to Provision of Water Service," which fixed urban service boundaries and anticipated demands. As part of negotiating the agreement, the District expended significant time and financial resources conducting a detailed review of its overall system, which included the Project site. In particular, the District analyzed its quantity and quality of service; financial capacity; customer financial impact, rates, equity and bills; operation capacity; management capacity; customer accountability; and demographics and sociological trends.

¹ A copy of the Well Ownership and Easement is attached hereto as Exhibit A.

² See Application No. G-17282, which is attached hereto as Exhibit B.

³ The District paid \$25,000 to the Baileys and \$25,000 to Tom McGilvra for the purchase of the well. Copies of the checks are attached hereto as Exhibit C.

⁴ See Exhibit B attached hereto.

⁵ Attached hereto as Exhibit D is a copy of the map prepared by Bolton Engineering for the waterline extension.

⁶ Attached hereto as Exhibit E is a copy of DWP's approval.

Unfortunately, due to the economic recession and decline in the local housing market, customer growth in the District's service area curtailed through 2014. The limited growth also led to decreased income from system development charges that supported capital improvements such as additional construction on the Project. The District had already expended considerable time and resources into developing the Project, so the District—as a public entity—did not believe it was prudent to direct any additional financial resources to the Project during this time.

By 2015 though, the District was in a position again to allocate further financial resources for work on the Project. In particular, the District installed power at the well site and built an enclosure around the well. However, because the District had been unable to complete work on the Project, on or around August 18, 2015, the District submitted an application for its first extension of time to complete construction and apply water to full beneficial use. The District submitted supplemental information on or around August 24, 2015.

For the reasons detailed below, the District has satisfied the factors set forth in OAR 690-315-0080 for approval of an application for an extension of time for municipal water use permit holders to complete construction and/or apply water to full beneficial use. Consequently, the Department should correct the errors in the PFO and grant the District's application for an extension.

1. Overview of the PFO's Determinations on the Criteria for Department Review of Extension Applications for Municipal and Quasi-Municipal Water Use Permits.

Pursuant to OAR 690-315-0080, in order to approve an application for an extension of time for municipal and quasi-municipal water use permits holders to complete construction and/or apply water to full beneficial use, the Department shall find:

(1)(a) The application is complete, including the fee specified in ORS 536.050.

PFO proposed finding or conclusion: *“McNulty Water PUD 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).”*⁷

(b) The applicant began actual construction on the project, as defined in OAR 690-315-0020(3)(d), within the time period, if any, required under the applicable statute;

PFO proposed finding or conclusion: *“The Department finds that there is no evidence of any action taken to begin actual construction after the permit was issued on August 23, 2010.”*⁸

(c) The time requested to complete construction or apply water to full beneficial use is reasonable;

PFO proposed finding or conclusion: The PFO does not make any specific findings as to the “reasonableness” of the requested extension from 2015 to 2026 and 2027.

(d) The applicant can complete the project within the time period required for the extension; and

⁷ PFO at 7.

⁸ *Id.* at 4; *see also id.* at 7.

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PFO proposed finding or conclusion: *“The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction with the time allowed in the permit (5 years).”*⁹

(e) There is good cause to approve the extension.

PFO proposed finding or conclusion: *“The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use.”*¹⁰

2. The PFO Erred in Reaching Certain Proposed Findings and Conclusions of Law.

The PFO erred in reaching its proposed findings and conclusions of law related to:¹¹ (a) “actual construction”; (b) the duration of the extension; (c) good cause; and (d) the denial of the application for an extension of time.

a. The PFO’s Findings and Conclusions Regarding Actual Construction Are in Error.

Actual construction is defined in OAR 690-315-0020(3)(d)(A) as “physical work performed toward completion of the **water system**, which demonstrates both the present good faith of the water permit holder and the water right permit holder’s intention to complete the project with reasonable diligence.” (Emphasis added.) As discussed above, in the summer of 2010, the District installed over 100 feet of water line from the District’s main line at Hankey Road to the existing well at the Project site.¹² This type of work undoubtedly meets the definition of “physical work performed toward completion of the water system” and was completed prior to August 23, 2015. Furthermore, once the District had sufficient funds to dedicate to additional Project work in 2015, the District installed power at the Project site and built a well enclosure building. Consequently, the PFO erred in finding that there is no evidence of any action taken to begin actual construction on the Project.

b. The PFO’s Findings and Conclusions Regarding the Duration of the Extension Are in Error.

Although the PFO does not make any specific finding on this issue, the Department should find that the District’s requested 11- and 12-year extensions—from 2015 to 2026 and 2027—are reasonable.¹³ The District is a small public entity with limited resources and must be prudent in the expenditure of its funds. The requested extensions will allow the District to continue accumulating funds that can be allocated to additional work on the Project.

Furthermore, the PFO’s determination that the District could not complete the Project or apply water to full beneficial use within the requested 11- and 12-year extensions was based solely on the erroneous finding that the District did not begin actual construction prior to August 23, 2015. As explained above, because the District did indeed start actual construction prior to

⁹ *Id.* at 5.

¹⁰ *Id.* at 7.

¹¹ While the PFO erred in reaching the findings and conclusions of law discussed in this Protest, the PFO did not in reaching certain other findings and conclusions of law, including: that the District is entitled to apply for an extension of time, and that the District has submitted a complete extension application form and the required fee.

¹² See Exhibit D attached hereto.

¹³ See 690-315-0080(c).

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August 23, 2015, the Department should conclude that the District can complete the Project and apply water to full beneficial use within the time of the requested extensions.

c. The PFO's Findings and Conclusions Regarding Good Cause Are in Error.¹⁴

Pursuant to OAR 690-315-0080, the Department's determination of good cause should consider:

- (a) Whether the applicant has demonstrated reasonable diligence in previous performance of the permit;
- (b) The cost to appropriate and apply the water to a beneficial purpose;
- (c) The good faith of the appropriator;
- (d) The market and present demands for water or power to be supplied;
- (e) The income or use that may be required to provide fair and reasonable returns on investment;
- (f) Whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right; and
- (g) Any events over which the water right permit holder had no control and which delayed development under the permit.

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These factors overwhelmingly weigh in the District's favor; consequently, the PFO erred in finding that good cause does not exist.

In particular, the District has demonstrated reasonable diligence, good faith, and considerable financial investments by, among other things: paying \$50,000 to acquire the easement and property rights for the Project; preparing and submitting a site plan for approval to DWP; engineering, planning, and design work; installing over 100 feet of water line from the District's main line to the Project site; performing electrical work and providing electricity to the well; constructing a well enclosure building; and negotiating and entering into an intergovernmental agreement with the City of St. Helens to establish service boundaries.¹⁵ Furthermore, the economic recession—which affected the District during the majority of the

¹⁴ OAR 690-315-0080(5) also states that for municipal water use permits issued after November 2, 1998, in making a good cause determination, the Department also should consider other factors (such as, for example, amount of water available to satisfy other affected rights and scenic waterway flows, and special water use designations.) The PFO's analysis of these factors supports the approval of the District's application for an extension.

¹⁵ OAR 690-315-0080(4): "In determining reasonable diligence and good faith of the holder of a municipal or quasi-municipal water use permit, the Department shall consider activities associated with the development of the right that may include, but are not limited to: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design, or construction services; surveying; and any physical work performed toward completion of the system and development of the right."

five-year period—significantly delayed the District’s ability to allocate additional funds for the development of this Project. For any one of these reasons, the Department should find that good cause exists to grant the District an extension.

d. The PFO Erred in Proposing to Deny the District’s Application for an Extension.

The Department reached its proposed decision to deny the District’s application for an extension based on the erroneous findings discussed above. Because the District has started actual construction on the Project and made significant financial investments in the Project, the duration of the extension is reasonable, and good cause exists, the Department should grant the District’s application for an extension of time: (a) to complete construction under Permit G-16779 from August 23, 2015 to October 1, 2026; and (b) to apply water to full beneficial use under Permit G-16779 from August 23, 2015 to October 1, 2027.

E. Citation to Legal Authority Supporting the Petitioner, If Known

Citations to legal authority are provided in the body of this Protest. The District, however, expressly reserves the right to raise other errors and deficiencies in the PFO, and to present additional legal authority, factual support, and other arguments as they become apparent through discovery and/or further analysis of this matter.

F. Proof of Service of the Protest Upon the Water Right Permit Holder, if Petitioner Is Other Than the Water Right Permit Holder

The District is the permit holder. Accordingly, proof of service of the District’s Protest upon the District is not applicable.

G. Protest Fee Required Under ORS 536.050, if Petitioner Is Other than the Water Right Permit Holder

The District is the permit holder. Pursuant to ORS 536.050(1)(j), a check for \$350 is enclosed.

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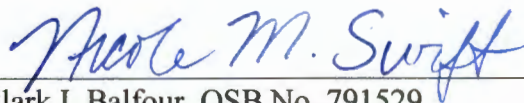
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REQUEST FOR RELIEF

For the reasons described above, the Department should grant the District's application for an extension of time: (a) to complete construction under Permit G-16779 from August 23, 2015 to October 1, 2026; and (b) to apply water to full beneficial use under Permit G-16779 from August 23, 2015 to October 1, 2027. Failing that, the District requests that the Department hold a contested case hearing to address the issues raised in this Protest.

Respectfully submitted on this 3rd day of June, 2016.

CABLE HUSTON LLP



Clark I. Balfour, OSB No. 791529

cbalfour@cablehuston.com

Nicole M. Swift, OSB No. 141419

nswift@cablehuston.com

1001 SW Fifth Avenue, Suite 2000

Portland, Oregon 97204-1136

(503) 224-3092 Telephone

(503) 224-3176 Facsimile

Attorneys for McNulty Water District PUD

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SALEM, OR

WELL OWNERSHIP AND EASEMENT

McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Return to

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

Note: See attached document (Exhibit AA).

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WATER RESOURCES DEPT
SALEM, OREGON

Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

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Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of

By: May 2009. Ellen M. Bortez Ellen M Bortez

State of Oregon }
County of Columbia } ss

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WATER RESOURCES DEPT
SALEM, OREGON

SALEM, OR

On this day personally appeared before me

Richard J Bailey
Ellen M. Bailey

known to me to be the individual S
who executed the foregoing instrument, and
acknowledged that Richard and Ellen Bailey
signed the same as Grantors
free and voluntary act and deed, for the uses
an and purposes herein mentioned.

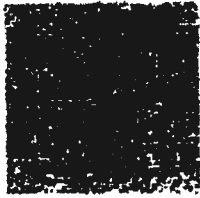
Given under my hand and official seal this 7
Day of May, 2009.

[Signature] Notary Public
in and for the State of Oregon
residing at SHEFCU.



My commission expires: SEP 10 2013

G-17282



**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road
Warren, OR 97053
(503) 397-5516
Fax (503) 397-5518

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WATER RESOURCES DEPT
SALEM, OREGON

July 3, 2007

McGlivra Trust
Legal Description
Southerly Adjusted Tract

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGlivra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Henkey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03380, Clark's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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WATER RESOURCES DEPT
SALEM, OREGON

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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SALEM, OR



Oregon Water Resources Department 725
Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

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SALEM, OR

A. Individuals

Applicant: _____
First

WATER RESOURCES DEPT
SALEM, OREGON

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: McNulty Water PUD

Name and Title of Person Applying: Richard Louie, President

Mailing Address or Organization: 34240 Millard Road % PO Box 260

St. Helens OR 97051
City State Zip

Phone: 503-397-1301 503-397-1301 (Message Machine)
Day Evening

*Fax: 503-366-5616 *Email Address: % pat.2006@gwestoffice.net

*Optional

For Department Use

App. No. G17282

Permit No. _____ Date _____

Last Updated: 3/31/2009

WR

Ground Water/I

2. PROPERTY OWNERSHIP

☐ Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

☐ There are no encumbrances

☐ This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

☒ No (Please check the appropriate box below)

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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WATER RESOURCES DEPT
SALEM, OREGON

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

List the names and mailing addresses of all affected landowners.

More than 25 landowners are involved in this application. Therefore we presume that WRD will provide the notice required pursuant to ORS 537.130(3). Please advise the PUD of the publication cost so that we may pay in accord with ORS 537.130(4) promptly so as to keep the application review process moving along.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: 265 feet to PART Creek

Distance from well(s) to nearest stream or lake:

1) 265 feet 2) 1/2 mile to 3) _____ 4) _____
SE of Dart Creek Perry CK

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

Well = 160' MSL
1) Dart CK = 110' 2) Perry CK = 360' 3) _____ 4) _____
200 ft above well

B. Well Characteristics

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 constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Turner Well Drilling

~~Re~~ Rather than reconstruct well COLU 1225 (see log), the PUD well will replace it. We may drill deeper depending on what the driller recommends.

Mailing Address: 536 93 Columbia River Hwy

Scappoose
City

OR
State

97056
Zip

Ground Water/2

Completion Date: October 1, 2011

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Please see the attached well log. We may drill deeper depending on what the driller recommends.									

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Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth of casing and seal, and the anticipated perforation and open intervals.

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WATER RESOURCES DEPT
SALEM, OREGON

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

We do not expect artesian flow at ground surface, but there may be artesian risk.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M** - Form M is attached.
- If your proposed use is **commercial/industrial**, attach **Form Q**

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Ground Water/3

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
McGilvra #2	(See Well Log)	COLU	1225		
		P/M	449	236,000,000	449

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year Round (Feb - 11/4/2009)

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A

(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

☒ Pump (give horsepower and pump type): Submersible - HP to be determined

☐ other means (describe): _____

B. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 8-inch Length 800 feet (This will allow a connection to the PUD's existing distribution system. Eventually, a 2-mile 8-inch PVC line will be constructed to deliver water to the Robins Reservoir.)

☒ other, describe: 8-inch PVC line will be constructed to deliver water to the Robins Reservoir.

Ground Water/4

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WATER RESOURCES DEP
SALEM, OREGON

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SALEM, OR

G-17282

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

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MAY 2 - 1972

WATER WELL REPORT

STATE OF OREGON

STATE ENGINEER, SALEM, OREGON

within 30 days from the date
of well completion.

STATE ENGINEER

SALEM, OREGON

(Do not write above this line)

State Well No.

5N/M 31

State Permit No.

(1) OWNER:

Name Francis E. McGilvra
Address Rte 2 Box 679 St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

i) CASING INSTALLED:

6" Diam. from 0 ft. to 31 ft. Gage 4. wall
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

i) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

alt test 30 gal./min. with 105 ft. drawdown after 1 hrs.

Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 31 ft.
Diameter of well bore to bottom of seal 9 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 2 sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite
Number of pounds of bentonite per 100 gallons
of water lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number
1/4 Section 31 T. 5-N R. 1 W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 155 ft.
Static level 75 ft. below land surface. Date 4-26-72
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 200 ft. Depth of completed well 200 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	3	
Brown Clay	3	10	
Yellow clay	10	20	
Blue Clay	20	25	
Blue Hard rock	25	70	
Brown med. rock	70	120	
Blue med. rock	120	155	
Brown broken rock	155	180	
Blue med. rock	180	190	
Black lava rock	190	200	

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WATER RESOURCES DEPT
SALEM, OREGON

Work started 4-26-72 19 Completed 4-26-72 19
Date well drilling machine moved off of well 4-26-72 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Ralph Turner Date 5-1-72 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Ralph Turner Drilling Co.
(Person, firm or corporation) (Type or print)

Address Rte 1 Box 141 Hillsboro, Oregon

[Signed] Ralph Turner
(Water Well Contractor)

Contractor's License No. 247 Date 5-1-72 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-6886-119

JUN 03 2016

SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

What equipment will you use to apply water to your place of use? *An existing water distribution system and extensions thereto will deliver water to individual water users via meters at or near each O/M POD.*

Irrigation or land application method (check all that apply): N/A

- ☐ Flood
 ☐ High pressure sprinkler
 ☐ Low pressure sprinkler
☐ Drip
 ☐ Water Cannons
 ☐ Center pivot system
☐ Hand Lines
 ☐ Wheel Lines
☐ Siphon tubes or gated pipe with furrows
☐ other, describe:
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SALEM, OREGON

Distribution method

- ☒ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open Canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

The PUD has an approved "Water Management and Conservation Plan" prepared pursuant to permit G-12834 for which a COB and mgp were recently submitted to WRD. The PUD's current & proposed conservation activities and measures are described in said conservation plan.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: October 1, 2011

Proposed date construction will be completed: February 1, 2012

Proposed date beneficial water use will begin: April 7, 2014

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

A Claim of Beneficial Use and Map of the PUD's water distribution system was recently filed for the Robinette well pursuant to Permit G-15227. The relationship of all PUD wells is described therein.

Also, the PUD currently has an Aquifer Storage & Recovery limited license ^{Application} pending with the Department.

Ground Water/5

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SALEM, OR.

8. MAP REQUIREMENTS

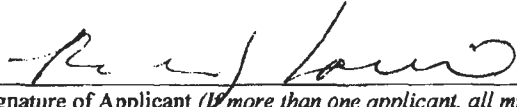
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- ☒ I am asking to use water specifically as described in this application.
- ☒ Evaluation of this application will be based on information provided in the application packet.
- ☒ I cannot legally use water until the Water Resources Department issues a permit to me.
- ☒ If I get a permit, I must not waste water.
- ☒ If development of the water use is not according to the terms of the permit, the permit can be canceled.
- ☒ The water use must be compatible with local comprehensive land use plans.
- ☒ Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:


Signature of Applicant (*If more than one applicant, all must sign.*)

10-29-09
Date

Before you submit your application be sure you have: ☒ Answered each question completely. ☒ Attached a legible map which includes township, range, section, quarter/quarter and tax lot number. ☒ Included a Land Use Information Form or receipt stub signed by a local official. • Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement. ☒ Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.	RECEIVED NOV 04 2009 WATER RESOURCES DEPT SALEM, OREGON
--	---

GW Base = 1000⁰⁰
25th cfs = 250⁰⁰
Recording = 400⁰⁰
✓ \$1,650⁰⁰

WRD on the web:
www.wrd.state.or.us



Oregon Water Resources Department

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FORM M

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FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

WATER RESOURCES DEPT
SALEM, OREGON

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: The McNulty Water PUD
 Name and size of area to be served: McNulty Water PUD - About 19 sq mi
 (in square miles)
 Present population of service area: 917 connections = 3780 persons (see p. 35)
 (Contact county planning staff, if needed.)
 Projected population in 20 years: 1500 connections = 6000 persons (see p. 35, above)
 (Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:
C-58655 3/30/1982 Permit G-12804 10/25/1996	Well - Warren Bench	449 GPM	13.5 GPM
C-61176 8/16/1982	Well - McNulty CK Basin	291 GPM	291 GPM
C-65072 5/11/78	Well - Columbia River Basin	449 GPM	99 GPM
Permit G-15227 10/1/2002	Well - Columbia River Basin	269 GPM	250 GPM
	Well - Dart CK Basin	400 GPM	350 GPM

Water Use

Average yearly demand: 430.85 AFY Year: 2008Per-capita daily consumption (in gallons): 383,586 Gallons

(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): July to August Total peak season demand: 114 Acre-feetPeak season per-capita daily consumption: 165 gpcd

(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 29,122,756 cu. ft.
(diverted or pumped)Delivered: 19,926,354 cu. ft.Is your system fully metered? ☒ Yes ☐ NoDescribe your rate structure: A water conserving rate structure was adopted 3/19/2009.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems) (see attached)

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Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other):

To establish a dependable water source in the Robinette and Smith pressure zones. Current wells in these zones have failed to provide that security. Hopefully, the new well will also accommodate growth in said pressure zones.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040)

Until 2027

C. Briefly discuss operation of water system and the most constraining component of the system:

The Master Water Plan and the Water Management and Conservation Plan (WMCP) both evaluated the most constraining components of the system. "Top" is securing a primary water supply in the Robinette and Smith pressure zones (this application). The Robinette well (G-15227) was to do this, but has not so is now before WRD as an ASR Limited License application. High priority projects to help with this constraint: Construction of more storage in these zones to stabilize pressure, provide fire flow, and accommodate growth; and, completion of the highest priority measures recommended in the WMCP.

D. Percentage of water use by type:

Residential: 889 connections $\approx 91\%$ Commercial: 28 connections $\approx 3\%$ Public Authority: $\emptyset$ Agricultural: $\emptyset$

Unaccounted for use: About 6%

Industrial: $\emptyset$ Other (specify use): $\emptyset$ **RECEIVED**

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SALEM, OREGON

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

The estimated cost to construct a well meeting WRD and DWP standards is \$200,000. Given that nearly all water delivered to the Robinette and Smith pressure zones is pumped from the Warren Bench Wells (Blaha pressure zone), we do not see how water efficiency measures can substitute even if the previously stated ASR project is approved.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The PUD continues implementation of water use efficiency measures pursuant to those identified in the WMCP. The most recent is the completion of a telemetry system that provides the PUD instantaneous values for water levels in wells and reservoirs and pumping rates and total amounts pumped among other things. This system functionality is key to the PUD's ability to evaluate effectiveness. Such evaluations have yet to be performed.

Last revision: March 26, 2009

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VI. POPULATION

A. Water Services

The population projections used in this report were obtained from the Center for Population Research and Census at Portland State University, Columbia County Land Development, and the records of McNulty Water PUD.

The County is required to establish and maintain a population forecast for the entire area for use by the State of Oregon.

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SALEM, OREGON

Table VI-1

McNulty Water Services

<u>Year</u>	<u>Connections</u>	<u>Population Served</u>
1964	60	250
1968	183	750
1970	270	1,100
1973	335	1,350
1980	400	1,600
1992	650	2,600
1994	700	2,800
1997	770	3,100
2000	807	3,230
2002	852	3,410
2005	879	3,520
2007	905	3,620
2012	1,050	4,020
2017	1,200	4,800
2027	1,500	6,000

Columbia County from 2000 to 2007 had an increase of population of 4,005 (9.2%) with major increases in the cities of Scappoose and St. Helens. This area is still appealing to persons employed in Northwest Portland and Washington County because of ease of access to work, minimum traffic, good highway, school districts, and less population.

B. Water Demands

The total water requirements are estimated to increase from 93.9 million gallons per year (average 2000 to 2007) to 159.8 million gallons in 2027. See Table V-1 for the forecasted water demands for the PUD.

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SALEM, OR

McNULTY WATER PEOPLE'S UTILITY DISTRICT
 34240 Millard Road
 Warren Oregon 97053

Ordinance No. 08/09 -2

Water Schedule, Rules and Rates Revised

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 SALEM, OREGON

Readings

1. Meters are read last weekend of third month of each quarter.

Billing

1. Bills are mailed out during the beginning of the following month after readings.
2. All bills are due and payable on or before the 25th of the billing month.
3. Final notices are sent out following the 25th due date.

Property Owners Responsibility

1. The area around the meter is to be kept clear and accessible.
2. All water charges, interest, rebilling charge, and fee's relating or associating with restoring water service in the event of shut-off.
3. The minimum monthly rate for water service shall apply, and shall be paid, for all periods during which the customer is entitled to use the water service, unless and until the customer applies for removal of the water service and terminates the customer's account.

Rates

1. Base charge of \$25.00 per month for 600 or less cubic feet of water usage, billing every three months.
2. Additional water usage within the three month billing period to be charged as follows:
 1. 1,801 to 3,000 cubic feet of water: \$2.36 per 100 cubic feet.
 2. 3,001 to 5,000 cubic feet of water: \$2.47 per 100 cubic feet
 3. 5,001 or more cubic feet of water \$2.68 per 100 cubic feet
3. Unpaid balance is charged at 1.5% interest after 25th of each month.
4. Rebilling charge of \$5.00 is added to any account with a balance above \$20.00 after the 25th of the billing month.

Landlord/Tenant Relationship

1. Tenant can be billed.
2. Joint application must be on file with McNulty Water PUD by Tenant and Landlord.

Prorating

1. Portions of billing period will be prorated based on the time of notification of change of ownership or tenants leaving.
2. Notice must be given 48 hours before change.
3. Forwarding address must be given for final billing.
4. New owners or tenants name if known.

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SALEM, OR

McNulty Water People's Utility District
Ordinance No. 08/09 -2 Revised
Page 2

Adjustment for water leak

1. Water must be fixed promptly after detection in order to receive adjustment.
2. Meter will be read promptly after leak is repaired.
3. Adjustment may be given at the discretion of McNulty Water PUD.
4. Customer's average charge shall be deducted from total charges before adjustment.
5. McNulty Water PUD may reduce balance up to 2/3.

Physically delivered Shut-Off Notice/Shut-Off

1. A charge of \$25.00 will be added to the account balance for a delivered shut off notice
2. An additional charge of \$25.00 will be added to the account balance for shut off.
3. Balance must be paid in full before service will be restored.

New Service

1. One time payment
2. \$ 5,000.00 for a ¾" meter service line
3. \$ 6,000.00 for a 1" meter service line
4. \$20,000.00 for a 1 ½" meter service line
5. \$25,000.00 for a 2" meter service line
6. \$45,000.00 for a 3" meter service line
7. \$60,000.00 for a 4" meter service line
8. Payment must be made before installation.
9. Minimum charge starts at time of installation.
10. All meters are property of McNulty Water PUD.

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WATER RESOURCES DEPT
SALEM, OREGON

Other System Fee's

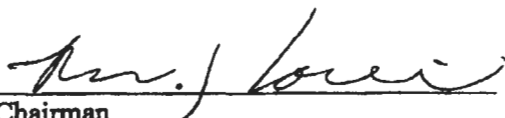
1. Water line plan inspection fee, \$515.00
2. Fire hydrant permit fee, \$35.00
3. Bankruptcy against McNulty Water PUD, customer will be required to pay deposit of \$300.00
4. Public Request for Information Fee: \$26.00 per hour, (15 minute increments) \$.25 per page.
(Ordinance No. 07/08-2).

Meter Damage

1. Meter lock removed by anyone other than McNulty Water PUD, \$75.00
2. Bridging meter, \$500.00 and meter removed.
3. Charges will be filed against anyone damaging meters or for misuse.

First reading at the Board meeting of February 3rd 2009. Second reading and passage at the Board meeting of March 10th 2009.

Signed:


Chairman

Attest:


Recording Secretary

Dated

3-10-09

Exhibit B
Page 12 of 18

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SALEM, OR



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: McNulty Water People's Utility District (PUD)
 Mailing Address: 34240 Millard Road c/o PO Box 260
 City: St. Helens State: OR Zip: 97051 Day Phone: 503-397-1301

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>SN</u>	<u>1W</u>	<u>31</u>	<u>SWSE</u>	<u>404</u>	<u>FA-19</u>	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Columbia County

B. Description of Proposed Use

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

Estimated quantity of water needed: 1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: McGilvra Well #2 will provide quasi-municipal water for the PUD to serve customers in the Smith & Robinette pressure zones. The well will also serve as an emergency supply if booster pumps providing water to these zones from the Warren (Benton) break down or lose power.

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

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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JUN 03 2016

SALEM, OR

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Allowed Outright 660-006-0025
(4)(1)

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:			
N/A	Part XIV Comprehensive Plan (Public Facilities and Services) and OAR 660-006-0025(4)(1) Permitted Uses	☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued

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

Replacement of existing well. (LUC 10-14) - local file #

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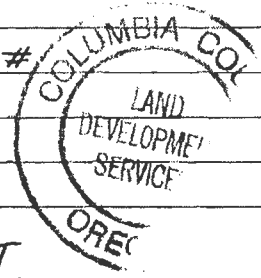
NOV 04 2009

WATER RESOURCES DEPARTMENT

NAME: Erika Owen TITLE: Planner II

SIGNATURE: Erika Owen PHONE: 503-397-7216 DATE: 10/29/09

GOVERNMENT ENTITY: _____



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JUN 03 2016

MEM. OR

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

WELL OWNERSHIP AND EASEMENT

McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Return to

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

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WATER RESOURCES DEPT
SALEM, OREGON

Note: See attached document (Exhibit AA).

Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

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Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of

By: May, 2009.

By: Richard J. Bailey

Ellen M. Bailey

State of Oregon }
 } ss
 County of Columbia }

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WATER RESOURCES DEPT
 SALEM, OREGON

On this day personally appeared before me

Richard J. Bailey

Ellen M. Bailey

known to me to be the individual S

who executed the foregoing instrument, and
 acknowledged that Richard and Ellen Bailey

signed the same as Grantors

free and voluntary act and deed, for the uses
 an and purposes herein mentioned.

Given under my hand and official seal this 7

Day of May, 2009.

[Signature] Notary Public

in and for the State of Oregon

residing at SHCFU.

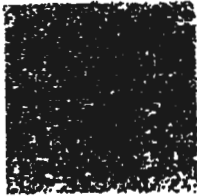


My commission expires: SEPT 10 2012

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**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road
Warren, OR 97053
(503) 397-5516
Fax (503) 397-5518

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WATER RESOURCES DEPT
SALEM, OREGON

July 3, 2007

McGivra Trust
Legal Description
Southerly Adjusted Tract

A tract of land in the East half of Section 31, Township 6 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGivra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankay County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03380, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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WATER RESOURCES DEPT
SALEM, OREGON

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

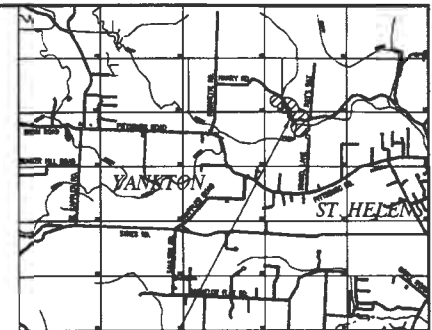
Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

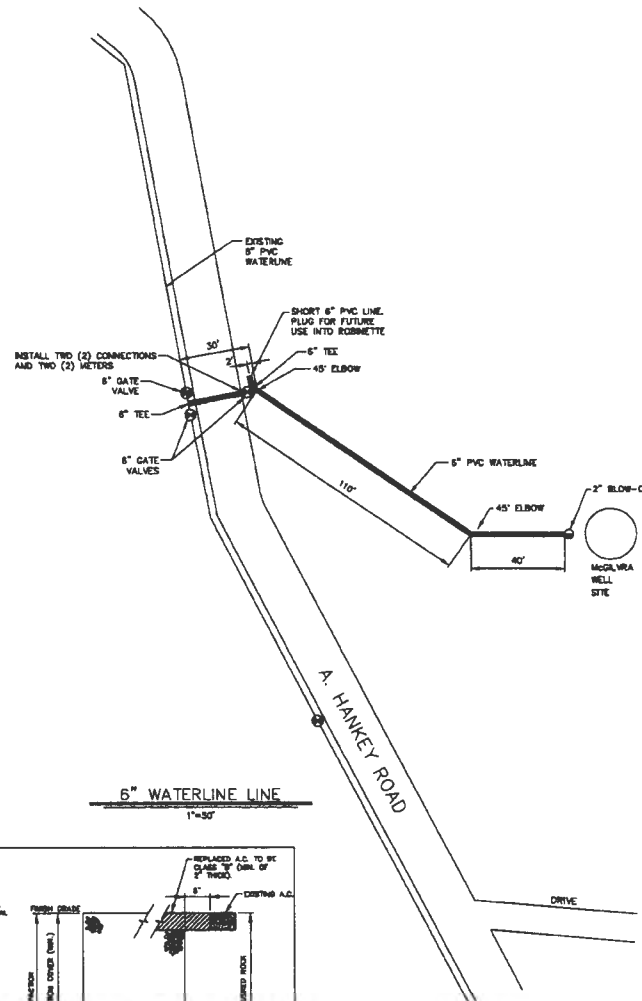
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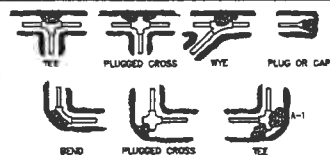


VICINITY MAP



CONSTRUCTION NOTES

1. ALL WORK AND MATERIALS TO BE IN COMPLIANCE WITH THE OREGON HEALTH DIVISION RULES FOR DRINKING WATER.
2. CONTRACTOR WILL INSTALL THRUST BLOCKS, GRAVEL AND PAVING MATERIAL AS REQUIRED. THE TEE AND BLOW OFF OR HYDRANT WILL HAVE A THRUST BLOCK POURED AGAINST UNDISTURBED SOIL OR PAVE.
3. CONTRACTOR TO CALL BEFORE ANY DIGGING OCCURS AND ESTABLISH THE LOCATION OF ALL UTILITIES IN THE CONSTRUCTION WORK AREA. OREGON LAW REQUIRES THAT YOU CALL THE OREGON UTILITY NOTIFICATION CENTER AT 1-800-332-2344 PRIOR TO ANY EXCAVATION WORK. THESE RULES ARE SET FORTH IN OAR 802-001-0010 TO 802-001-0080.
4. CLASS "D" BACKFILL IS REQUIRED FOR ALL WATER MAINS AND SERVICES IN THE IMPROVED SECTION OF DRAINAGE, ROADWAY AND/OR PARKING AREAS. GRAVEL USED FOR BACKFILL WILL BE 3/4" MINUS MATERIAL.
5. CONTRACTOR IS RESPONSIBLE FOR FLUSHING THE WATER LINE AND THEN CHLORINATION BASED ON A DOSAGE OF 25 mg/L FOR 24 HOURS. THE LINE WILL BE COMPLETELY FLUSHED. McNULTY WATER P.U.D. WILL COLLECT A WATER SAMPLE FOR TESTING BY A LAB. A SATISFACTORY WATER SAMPLE WILL BE OBTAINED BEFORE THE NEW WATER LINE CAN BE PLACED INTO SERVICE.
6. WATER MAINS TO BE Laid IN STRAIGHT LINE AND MAINTAIN AT LEAST A DEPTH OF COVER AT 30" FROM FINISHED GRADE TO THE TOP OF THE PIPE.
7. ALL PIPE SHALL BE PVC CLASS EDO (PVC) (AWWA APPROVED). TRACER WIRE (MIL 14 AHD) SHALL BE PROVIDED WITH ALL PVC PIPE.
8. ENTIRE WATER LINE TO PASS PRESSURE TEST OF 150 PSI FOR ONE HOUR TEST PERIOD AND MEET THE MINIMUM LEAKAGE REQUIREMENT.
9. ALL GATE VALVES TO BE RESILIENT SEAL TYPE. BID VALVE BOXES WILL BE USED.
10. CONTRACTOR TO NOTIFY THE ENGINEER AND THE DISTRICT 24 HOURS PRIOR TO THE START OF CONSTRUCTION.
11. PAVING WILL BE PROVIDED AROUND ALL VALVE BOXES, BLOW OFF, OR HYDRANTS.
12. TRAFFIC CONTROL ON HANKEY ROAD WILL BE FOLLOWED BY THE CONTRACTOR IN ACCORDANCE TO THE RULES OF THE McNULTY WATER P.U.D.
13. A PERMIT FROM THE COLUMBIA COUNTY ROAD DEPARTMENT WILL BE OBTAINED ON WATER LINE CONSTRUCTION ACTIVITIES IN THE ROAD RIGHT-OF-WAY.
14. "AS-BUILT" DRAWINGS WILL BE PROVIDED BY THE CONTRACTOR TO THE P.U.D.

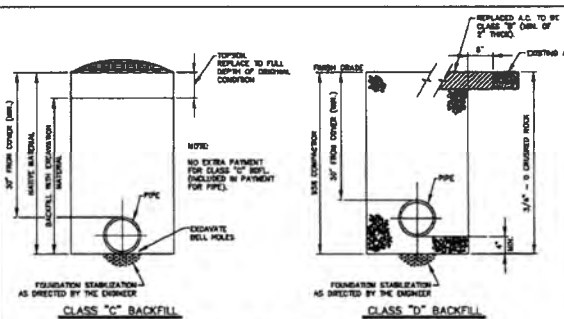


- NOTES:
1. Concrete thrust blocking to be poured against undisturbed earth.
 2. Heavy assemble after of joint and accessories.
 3. The required thrust bearing areas for special connections are shown enclosed on the plans e.g. (A) indicates 15 square feet of bearing area required.
 4. If not shown on plans, required bearing area to be at 100 lbs. shall be as indicated below. Adjust if necessary to conform to the test pressure(s) and allowable soil bearing strength(s) stated in the project specifications.
 5. Bearing areas and required blocking details take precedence over bearing areas and blocking details shown in this standard detail.

BEARING AREA OF THRUST BLOCK IN SQ. FT.						
FITTING SIZE	TEE, WYE, PLUG OR CAP	90° BEND, PLUGGED CROSS	TEE, PLUGGED ON BEND	45° BEND	25-1/2" BEND	11-1/4" BEND
8"	15	15	15	15	15	15
10"	20	20	20	20	20	20
12"	25	25	25	25	25	25
14"	30	30	30	30	30	30
16"	35	35	35	35	35	35
18"	40	40	40	40	40	40
20"	45	45	45	45	45	45
24"	55	55	55	55	55	55
30"	70	70	70	70	70	70
36"	85	85	85	85	85	85
42"	100	100	100	100	100	100
48"	115	115	115	115	115	115
54"	130	130	130	130	130	130
60"	145	145	145	145	145	145
72"	175	175	175	175	175	175
84"	205	205	205	205	205	205
96"	235	235	235	235	235	235
108"	265	265	265	265	265	265
120"	295	295	295	295	295	295

NOTE: Allow bearing areas are based on test pressure of 150 p.s.i. and an allowable soil bearing strength of 2,000 pounds per square foot. To compute bearing areas for different test pressures and soil bearing strengths, use the following equation: Bearing area = (Test Pressure/150) x (Allowable Soil Bearing Strength/2,000) x (Table Value).

THRUST BLOCK DETAILS



STANDARD TRENCH DETAILS FOR WATER MAINS

32

- GATE VALVE
- BLOW-OFF

BOLTON ENGINEERING 14975 S.W. PEACHTREE DR. TIGARD, OREGON 97224 503-590-1533			
McNULTY WATER P.U.D. WATERLINE EXTENSION			
McNULTY WATER P.U.D. APPLICANT:	05/12/10 DATE:	2010-02 PROJECT NO.:	APPROVED BY: (Signature) TITLE:
WATERLINES AT HANKEY ROAD WELL SITE			

SALEM, OR

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PUBLIC HEALTH DIVISION
Office of Environmental Public Health, Drinking Water Program
John A. Kitzhaber, MD, Governor

Fred Bolton

Oregon Health
Authority

800 NE Oregon Street
Portland, OR 97232-2162
Phone: (971) 673-0459
Fax: (971) 673-0694

James.b.nusala@state.or.us
www.oregon.gov/DHS/ph/dwp

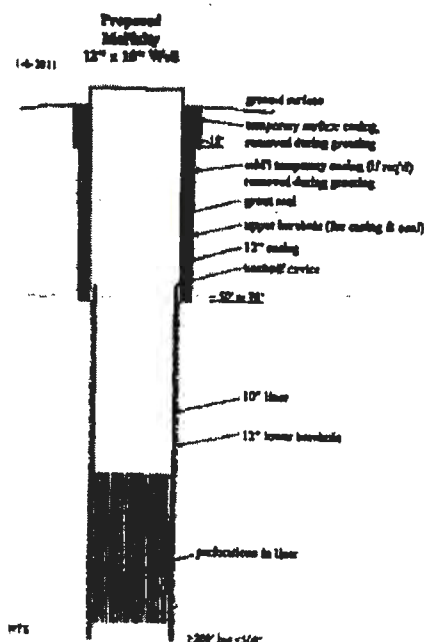
February 18, 2011

Andy Tinkess
McNulty Water People's Utilities District
P.O. Box 260
St. Helens, OR 97051

**New Hankey Road Well, McNulty Water People's Utility District (PUD), PWS ID # 41 00725,
Plan Review # 01-2011, Site Plan Approval**

Dear Mr. Tinkess:

The Drinking Water Program (DWP) has received a copy of information to support drilling a new well on Hankey Road for the McNulty Water PUD, submitted on your behalf from Mr. Fred Bolton, P.E of Bolton Engineering. The DWP received a site plan for the proposed well, a completed Land Use Compatibility Statement, a copy of the final water right permit, a topography map and drainage information for the area, a proposed well construction diagram, and a \$600 review fee. The proposed well construction is indicated below:



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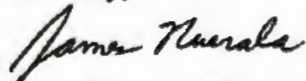
Based on OAR 333-061-0050 (2)(a), the DWP approves the proposed well construction with the following comments. The DWP hydrogeologist indicates that the casing seal must be constructed a minimum of 5 feet into competent bedrock, and through any silt, clay, sand or 'weathered basalt' that may lie above this confining layer. This may mean that the well driller may need to complete the casing seal to a depth greater than 50 to 70 feet as identified in the proposed well construction diagram submitted. You may proceed with drilling the well.

After completion of the well the following must be provided to the DWP, prior to the well being approved for use:

- Well driller's report or well log
- Results from well pump test
- As-built drawings or photos of the wellhead including above ground piping, screened vent, concrete slab, pipe to waste, and how the well is connected to the water system.
- Water quality data for the well (coliform bacteria, nitrate, arsenic, Inorganic Compounds, Synthetic Organic Compounds, Volatile Organic Compounds, and radionuclides)

If you have any questions, or would like this information in an alternate format, please contact me at (971) 673-0459, or james.b.nusrala@state.or.us.

Sincerely,



James Nusrala, PE
Regional Engineer

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SALEM, OR

cc:

Fred Bolton, PE, Engineer for the District; Bolton Engineering, Inc.; 14875 SW
Peachtree Drive; Tigard, OR 97224
Mark Edington, Columbia County Public Health

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AUG 19 2015

SALEM, OR

**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-16779, Water Right Application G-17282,)
in the name of the McNulty Water People's Utility District)
PROPOSED FINAL ORDER
TO DENY

Permit Information

Application File G-17282/ Permit G-16779

Basin 2 – Columbia Basin / Watermaster District 18

Date of Priority: November 4, 2009

Authorized Use of Water

Source of Water: Well McGilvra #2 in Milton Creek Basin
Purpose or Use: Municipal use
Maximum Rate: 1.0 cubic foot 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.

This Proposed Final Order applies only to Permit G-16779, water right Application G-17282.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Deny an extension of time to complete construction from August 23, 2015 to October 1, 2026.
- Deny an extension of time to apply water to full beneficial use from August 23, 2015 to October 1, 2027.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PUD – People's Utility District

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.

FINDINGS OF FACT

Background

1. Permit G-16779 was issued by the Department on August 23, 2010. The permit authorizes the use of up to 1.0 cfs of water from Well McGilvra #2 within Milton Creek Basin, for municipal use. It specified that construction of the water development project was to be completed by August 23, 2015, and that complete application of water was to be made on or before August 23, 2015.
2. On behalf of the permit holder, Jeff Anderson, General Manager of McNulty Water PUD, submitted an "Application for Extension of Time" to the Department on August 19, 2015, requesting the time to complete construction and apply water to full beneficial use under the terms and conditions of Permit G-16779 be extended from August 23, 2015 to October 1, 2027. This is the first extension of time request for Permit G-16779.
3. Notification of McNulty Water PUD's Application for Extension of Time for Permit G-16779 was published in the Department's Public Notice dated September 1, 2015. One written comment was received during this comment period.
4. On October 1, 2015, comments were filed on behalf of two parties (Senter and McGilvra) in opposition to the applicant's request for an Extension of Time. Concerns were raised regarding access to and use of the well being abandoned, and the right to appropriate water from the well authorized by Permit G-16779, including the Application for a Permit to Use Ground Water received by the Department on November 4, 2009 is either incomplete or makes misstatements of fact regarding real property rights and access to the Well (COLU 1225); and that Permit G-16779 is subject to cancellation as a matter of law.
5. On August 24, 2015, McNulty Water PUD submitted supplemental information and update revisions to their pending 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, 537.630² and/or 539.010(5)³

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

6. On August 19, 2015, the Department received a completed Application for Extension of

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.

Time and the fee specified in ORS 536.050 from the permit holder.

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

Under OAR 690-315-0080(1)(d), in order to approve an extension of time for municipal water use permit holders to complete construction and/or apply water to full beneficial use, the Department shall find the applicant began actual construction on the project, as defined in 690-315-020(3)(d), within the time period, if any, required under the applicable statute.

7. The application states that actual construction has not occurred.

The Department finds that Permit G-16779 was issued after June 29, 2005 for municipal use. Under OAR 690-315-0070(3)(d), the Extension of Time application for municipal water use permits issued on or after June 29, 2005, there must be evidence of the actions taken to begin actual construction on the project must be provided, as defined in 690-315-0020(3)(d).

Actual construction is defined in OAR 690-315-0020(3)(d)(A) as *"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."*

Furthermore, under OAR 690-315-0080(1)(b) in order to approve an application for an extension of time for municipal and quasi-municipal water use permit holders to complete and/or apply water to full beneficial use pursuant to ORS 537.630, the Department shall find: the applicant began actual construction on the project, as defined in OAR 690-315-0020(3)(d), within the time period, required under the applicable statute. In this case the applicable statute pertaining to municipal permits is ORS 537.630.(2).

The Department finds that there is no evidence of any action taken to begin actual construction after the permit was issued on August 23, 2010, since permit issuance, being August 23, 2010.

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.

8. The remaining work to be accomplished under Permit G-16779 consists of beginning constructing the well; installing pump controls, and infrastructure; extending a transmission main from the well site to the existing system on Robinette Road; completing construction of the water project; meeting all permit conditions, including installing a totalizing flow meter, submitting annual water user reports, and March static water level measurements; and applying water to full beneficial use.

9. Work accomplished during the permitted time period includes submitting and gaining approval for a site plan for the authorized well to be constructed for approval by Oregon Drinking water Program.
10. The Department finds that the work accomplished does not fall under the definition of actual construction to demonstrate that actual construction began.
11. As of August 24, 2015, the McNulty Water PUD has not diverted any water authorized under Permit G-16779 for municipal purposes. There has been no beneficial use of water.

As required by OAR 690-315-0080(1)(b), the permit holder was not able to demonstrate that actual construction of the project began (commenced) within the time period required by ORS 537.630(2), being no later than August 23, 2015, in order to be within the five year time period as specified in the permit. ORS 537.630(2) provides that the Department may only allow an extension of time to complete construction and/or to perfect a water right permit beyond the specified permit under certain conditions. The time to begin construction may not be extended.

The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not begin construction within the time allowed in the permit (5 years).

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.

12. The application states that no actual construction occurred within the time allowed in Permit G-16779. Actual construction is defined in OAR 690-315-0020(3)(d)(A) as *"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."*
13. As of August 19, 2015, McNulty Water PUD has made no financial investment toward development of appropriating water to full beneficial use.

14. According to McNulty Water PUD no water has been appropriated for municipal purposes. Beneficial use of water has not yet been demonstrated under this permit because none of the permit conditions were satisfied by August 23, 2015.

Based on Findings of Fact 7 through 14, above, the Department finds that the applicant has demonstrated a lack of good faith.

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

15. As of August 24, 2015, the permit holder has made no financial investment for development of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d) and (5)(a-f)]

For municipal or quasi-municipal water use permits issued after November 2, 1998, in making a determination of good cause pursuant to 690-315-0080(3)(d), the Department shall also consider, but is not limited to, the factors in 690-315-0080(5)(a-f).

16. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0080(5)(a-f)].
- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16779; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The proposed point of appropriation for Permit G-16779 is not located within a limited or critical ground water area; however it is located within the Milton Creek Withdrawn Authority. The proposed point of appropriation for Permit G-16779, located within Milton Creek Basin, is not located within or above any state or federal scenic waterway. The point of appropriation is within areas ranked high for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The proposed point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Economic Investment in the project to date [OAR 690-315-0080(5)(d)].

17. According to McNulty Water PUD, as of August 24, 2015, they have made no financial investment for completing development of this project.

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

18. According to McNulty Water PUD, they have not made any financial investment in development of this project

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

19. None have been identified.

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

20. None have been identified

CONCLUSIONS OF LAW

1. McNulty Water PUD 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. McNulty Water PUD 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. As required by OAR 690-315-0080(1)(b), the permit holder was not able to demonstrate that actual construction of the project began (commenced) within the time period required by ORS 537.630(2), being no later than August 23, 2015, in order to be within the five year time period as specified in the permit. ORS 537.630(2) provides that the Department may only allow an extension of time to complete construction and/or to perfect a water right permit beyond the specified permit under certain conditions. The time to begin construction may not be extended.
4. The application established that there has been no construction, no financial investment, or reasonable diligence toward developing the project. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0080 and ORS 537.630(2)

Proposed Order

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

Deny the time to complete construction under Permit G-16779 from August 23, 2015 to October 1, 2026.

Deny the time to apply the water to beneficial use under Permit G-16779 from August 23, 2015 to October 1, 2026.

DATED: April 19, 2016


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 June 3, 2016, 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 servicemembers have a right to stay these stay these proceedings under federal Servicemembers 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 Corey A Courchane at 503-986-0825.
 - 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: April 19, 2016

Application G-17282

Permit G-16779

Original mailed to Applicant:

McNulty Water PUD
Attn: Jeff Anderson
PO Box 260
St. Helens, OR 97051

Copies sent to:

1. WRD - App. File G- 17282/ Permit G-16779
2. AKS Engineering & Forestry
Attn: John Christiansen
12965 SW Herman Road #100
Tualatin, OR 97062

Fee paid as specified under ORS 536.050 to receive copy:

3. Jordan Ramis PC
Attn: Peter D. Mohr
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035

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

4. WRD - Watermaster District 18 – Jake Constans

CASEWORKER: CAC

Copies Mailed
By: <u>SP</u> (SUPPORT STAFF)
on: <u>4-19-16</u> (DATE)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **120032**

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

INVOICE # _____

RECEIVED FROM: Cable Huston LLP
BY: Attorneys At Law

APPLICATION	G-17282
PERMIT	G-16779
TRANSFER	

CASH: ☐ CHECK: # ☒ 102686 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ **350.00**

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	\$

WATER RIGHTS:

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$		

WELL CONSTRUCTION

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

47235

EXAM FEE

\$
\$
\$

EXAM FEE

\$

RECORD FEE

\$
\$

LICENSE FEE

\$
\$

0223 OTHER (IDENTIFY) Protest Fee **\$350.00**

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **120032**

DATED: 6/3/16 BY: Carlos O. Turner

.. Application # 6-17282 Permit # 6-16779

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: 8-19-15

♦ **Extension Specialist ...**

☐ Added to tracking spreadsheet

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

♦ **Kate Fitzgerald...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 9/1/15

☒ 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

RECEIPT # 117049

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

INVOICE # _____

RECEIVED FROM: AKS Engineering & Forestry, LLC
BY: _____

APPLICATION	G-17282
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 22734 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

EXAM FEE
\$
\$
\$

0202

0203 GROUND WATER

\$

0204

0205 TRANSFER

\$

RECORD FEE
\$
\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$

0219

LANDOWNER'S PERMIT

0220

LICENSE FEE
\$
\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$
\$

CARD #
CARD #

0210 MONITORING WELLS

\$

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$
\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: 117049

DATED: 8-19-15 BY: Mai Pham

DATE	INVOICE NO	COMMENT	AMOUNT	NET AMOUNT
08/18/2015	081815	Job 3822. Permit G-16779 Time Extension		575.00
RECEIVED BY OWRD AUG 19 2015 SALEM, OR				
DATE 08/18/15	VENDOR Oregon Water Resources Department		TOTAL	575.00



Submittal Transmittal

AKS Engineering & Forestry | 12965 SW Herman Road #100 Tualatin, OR 97062

FROM: John Christiansen
AKS Engineering & Forestry
12965 SW Herman Road #100
Tualatin, OR 97062
johnc@aks-eng.com
503-563-6151

TO: Water Rights Permit Extensions
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301-1266
503-986-0900

PROJECT:	McNulty Water District 3822	DATE SENT:	8/18/2015
SUBJECT:	Permit G-16779 Extension Application	ID:	00017
PURPOSE:	For Review and Comment	VIA:	Mail

CONTENTS

QTY:	DATED	DESCRIPTION:	ACTION:
1	8/18/2015	Cover Letter	
QTY:	DATED	DESCRIPTION:	ACTION:
1	8/17/2015	Extension Application	
QTY:	DATED	DESCRIPTION:	ACTION:
1	8/18/2015	Check for Fee	

RECEIVED BY 

AUG 19 2015

SALEM, OR

August 18, 2015

Oregon Water Resources Department
Attn: Water Rights Permit Extensions
725 Summer Street, NE Suite A
Salem, Oregon 97301-1266

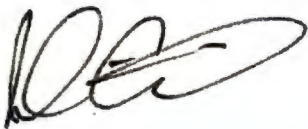
RE: Extension of Time for Quasi-Municipal Water Use Permit G-16779

To whom it may concern:

Enclosed is the application for *Extension of Time for Municipal and Quasi-Municipal Water Use Permits* and supporting documentation for Permit G-16779 which is held McNulty Water People's Utility District (McNulty). This application has been prepared by AKS Engineering & Forestry, LLC (AKS) in coordination with McNulty. Feel free to contact me by phone 503-563-6151 or email johnc@aks-eng.com with any technical questions relating to the application.

Thank you for your consideration on this matter.

Regards,



John P. Christiansen, PE, CWRE
AKS ENGINEERING & FORESTRY, LLC

Cc: Jeff Anderson, McNulty PUD District Manager

RECEIVED BY OWRD

AUG 19 2015

SALEM, OR

STATE OF OREGON

COUNTY OF COLUMBIA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
PO BOX 260
SAINT HELENS, OR 97051

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

APPLICATION FILE NUMBER: G-17282

SOURCE OF WATER: WELL MCGILVRA #2 IN MILTON CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 4, 2009

WELL LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS: WITHIN THE SERVICE BOUNDARY OF THE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow 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.

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

(1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
- (b) A total water level decline of fifteen or more feet; or
- (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).

- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification

as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).

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

The well shall produce ground water from no shallower than 125.0 feet below land surface.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

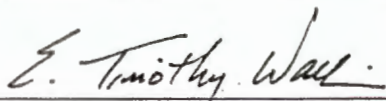
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

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

Issued August 23 , 2010



for Phillip C. Ward, Director
Water Resources Department

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued after November 2, 1998

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

Application: G -17282 Permit: G -16779 Permit Amendment? No ☒ Yes ☐ T-

Permit Holder's Name: McNulty Water PUD

Agent AKS Engineering and Forestry

Permit Holder's Mailing Address: PO BOX 260, St Helens OR 97051

*John Christiansen
12965 SW Herman Rd #100*

Phone Number Jeff Anderson GM 503-397-1301

POD Location: Township Range Section 1/4 Tuglatn, OR 97062

Drainage Basin: 2 County: Columbia Watermaster District: 18-Jake Constans

Date Permit was issued: August 23, 2010 Priority Date: November 4, 2009 Date of PN: 9-1-2015

Source: Well McGilvra #2 in Milton Creek Basin

Use: ☒ Municipal ☐ Quasi-Municipal

"Q": 1.0 cfs

Orig "A" Date: Orig "B" Date: August 23, 2015 Orig "C" Date: August 23, 2015

Extension request received: August 19, 2015 *Amended Aug 29, 2015*

Last Authorized "B" Date: 10-1-

Last Authorized "C" Date: 10-1-

Request Number

(1, 2, 3...): 1st

Proposed

"B" Date: 10-1-27

C Date:

Proposed

10-1-27

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
	X	Totalizing flow meter
	X	Water usage reporting
	X	Initial SWL March
	X	Annual March SWL

*Add
Peter Moke
Jordan Rains PC
to PFO !!*

PFO 10/6 Protest 11/20 FO 12/4

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0080(4)]:

Yes No

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

- Permit holder has beneficially used 0 cfs/ Undeveloped portion 1.0 cfs

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

- Amount Invested to date: \$ 0 Estimated Remaining Cost: \$ 660,000

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

Population 2,451 (Year) 2013 ☐ Growth 2.5 % ☐ Population 3,463 by (Year) 2027 Calculated? Yes ☐

Peak Demand 1.7 cfs (Year) 2014 ☐ Peak Demand 2.06 cfs by (Year) 2027 Calculated? Yes ☐

GW REVIEW: Y N

MITIGATION REVIEW: Y N

Application _____ - Permit _____ - Township _____ Range _____ Section _____

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

Ground Water Permits: Identify the closest surface water or localized water basin. Milton Creek

Is it located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ within or above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverlist.html#or
- ☒ ☒ within a critical or limited Ground Water Area? Name of area _____
- ☒ ☐ within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking low / medium / high (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)
- within Milton Creek with drawn authority

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. 856 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:

cc AKS Engineering
cc Peter Mohr, Athny

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____



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

2015 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, McNulty Water PUD

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

Jeff Anderson – General Manager

NAME OF CONTACT

PO Box 260
ADDRESS

St. Helens
CITY

OR
STATE

97051
Zip

503-397-1301
PHONE

genmgr@mcnultywaterpud.org
E-MAIL ADDRESS

RECEIVED BY OWRD

the permit holder of: Application Number G-17282

AUG 19 2015

Permit Number G-16779
[OAR 690-315-0070(3)(b)]

SALEM, OR

do hereby request that the time in which to:

- X 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~~ August 23, 2015, be extended to October 1, 2026,

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~~ August 23, 2015, be extended to October 1, 2027.

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.

Jeff Anderson
Signature

8-17-15
Date

Before submitting, make sure the following items are included:

- Completed Application for Extension of Time
- Statutory fee of \$575 (ORS 536.050)
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

MAIL COMPLETED APPLICATION

along with the

\$575 STATUTORY FEE (ORS 536.050) TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

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GENERAL TIPS:

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- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a municipal or quasi-municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.
- Water System Master Plan, *if applicable*, per Oregon Health Division.

- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

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Definitions Pertinent to this Application for Extension of Time

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Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and 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. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A) and (B).

C-Date – the date specified in the permit for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension – For the 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new “extended to date” for complete application of water specified in the 1st approved extension.

For the 3rd, 4th, or . . . nth Application for Extension of Time - period of time between the “extended from date” for complete application of water and the “extended to date” for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use by the C-date or the last “extended to” date for complete application of water from the most recent prior extension. (*Oregon Court of Appeals A147071 WaterWatch vs OWRD & City of Cottage Grove, 2013*)

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures). OAR 690-315-0080(4).

Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.



TIP: When making a reference to any document, report, and/or plan:

- (1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and
- (2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

1. **Submit the appropriate extension of time fee (\$575), as specified under ORS 536.050.** If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors536.html*

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

2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.



TIP: See Definition of "Actual Construction"

Begin Date: _____. **Construction of** ____ **began.**
(month/year) (details)

Note: Actual construction has not occurred.

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

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**



TIP: See definition of "Actual Construction"

Begin Date: _____. **Construction of** ____ **began.**
(month/year) (details)

N/A

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[OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]

4. Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. *Present the list in chronological order in Chart-I.*



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

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
5/7/2009	Executed well ownership and easement agreement with owner (Columbia County Doc No 2009-004680)	\$50,000
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.	
8/23/2010	Permit Issued	-
2011	McNulty submits site plan for new well for approval by Oregon Drinking Water Program. Approved by ODWP on 2/18/2011.	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	Not Applicable	
8/12/2015	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
	None	

	CHART-I (continued)	
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/	Date of the last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
	Not Applicable	
10/1/	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
	Not Applicable	
Total Cost to Date		

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

5. Provide evidence of compliance with conditions contained in the original permit, in any previous extension(s), and/or in any permit amendments (Chart II), or the reason the condition was not satisfied (Chart III).

Conditions requiring a response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a ground water monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;

and/or

- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; a Water Management and Conservation Plan; an alternative long-term water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit. If needed, please contact OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the Application for Extension of Time.

- 5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.**

CHART-II

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		See Chart III
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** 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
A		The permittee has not installed a totalizing flow meter because the existing well is in-active and the new well has not been constructed.
B		The permittee has not kept record of the amount of water used each month because the existing well is in-active and has not been used since the

		issuance of the Permit #G-16779 on August 23, 2010.
C		As described above the totalizing flow meter has not been installed; therefore this condition is not applicable.
D		Not applicable

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

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of the C-Date in the permit, or as of the "extended to" date of the most recent prior extension of time (if any).



TIP: Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water appropriated may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

6-A) For Surface Water Permit Extensions:



TIP: Report in the same units of measurement as specified in the permit. In this section, report only water use made under THIS permit:

Maximum instantaneous rate (as of C-date or prior extension) = _____ cfs, or
(cubic feet per second)

Maximum instantaneous rate (as of C-date or prior extension) = _____ gpm, or
(gallons per minute)

Acre Feet stored as of C-date or prior extension = _____ AF

6-B) For Ground Water Permit Extensions:



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

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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 - <u>under 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.)
								Permit, Certificate, or Transfer No. Rate (CFS or GPM)
McGilvra #2		Yes ☒ No ☐	COLU 1225	5N/1W-31	Yes ☒ No ☐	1.0-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								

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: _____

The drilled well was in-place prior to issuance of this permit.

Well # _____: Actual location: _____

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

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

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: The McNulty Water PUD serves an estimated population of 2,451 as of Year: 2013

Methodology used to estimate current population served: Determined during the development of the Urban Services Agreement between McNulty and the City of St. Helens.

WRAD

Application for Extension of Time
For Municipal and Quasi-Municipal Water Use Permits
Page 10 of 18

Last Revised: 2/4/2014

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[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: 1.7 cfs as of Year: 2014

Methodology used to estimate current peak demand: The current peak demand was determined from SCADA outputs. Daily total demands from 2007 through 2014 were reviewed to identify the peak day of use. July 15, 2014 was found to have the highest single day use and was further evaluated to determine the peak hourly demand. A copy of the SCADA output is provided as an attachment to this application.

[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.



TIP:

Such events may include, but are not limited to: the size and scope of the project; financing and/or cash flow issues; local referendums or initiatives; actual growth rates; economic downturns; loss of territory to annexation; water conservation efforts; the need to meet other governmental requirements relating to the project; natural disasters and severe weather; and/or any other events over which the water right permit holder had no control and which delayed development under the permit.

McNulty and the City of St Helens have been working collaboratively for years to establish responsibility of providing water service where McNulty's service area overlaps the City of St. Helens Urban Growth Boundary (UGB). On 9/23/2013 the Urban Service Agreement Relating to Provision of Water Service was signed between McNulty and the City of St. Helens. Preparing the agreement included a detailed review of McNulty's system including I. Quantity and Quality of Service, II. Financial Capacity, III. Customer Financial Impact, Rates, Equity and Bills, IV. Operation Capacity, V. Management Capacity, VI. Customer Accountability, and VII. Demographics and Sociological Trends. Generating and assembling this data was a great effort

of both personnel and financial resources. This agreement is essential to understanding McNulty's long-term service area, water needs and customer growth projections.

As identified in Application G-17282, McNulty has been developing an Aquifer Storage and Recovery System (ASR). On 2/8/2010 McNulty received ASR Limited License #015. Since that time McNulty has focused their efforts and made significant financial investments in licensing the ASR. On 4/2/2015 ASR Permit Application #002 was deemed complete by OWRD and is pending Final Order. Approval of the ASR is a critical step in comprehending how water rights associated with Permit # G-16779 will be integrated into the overall system.

From 2008 through 2014 customer growth curtailed in large part due to the global economic recession and decline in the local housing market. The limited growth lead to decreased income from system development charges which support capital improvements such as the development of the well pursuant to Permit G-16779. Given the financial stress of the time, McNulty's board did not see it prudent to direct funds to capital improvements.

It has recently come to the attention of McNulty that existing well and associated easement purchased by McNulty to support Permit G-16779, was subject to a private water system agreement between the original owner and two adjacent properties. This agreement was not disclosed by the property owner at the time of the purchase and agreement with McNulty. McNulty is currently working with the two other parties who have interest in the well to establish an agreement for water service. OWRD was notified of this matter as documented in a letter by E. Timothy Wallin, dated May 27, 2015.

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

- 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.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held
List all water rights held, including this permit, currently held by the permit holder. Use the format shown in "Attachment A" (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD's website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

Use the "Use Limitations" column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.



TIP: Use limitations include any factors affecting the use of a water right, such as: used for system redundancy; used for emergency back-up water supply; climate patterns or turbidity result in seasonal unavailability; not used due to water quantity issues, etc.

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.

None

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: 2.5%

Projected Population: 3,463 as of Year: 2027

Methodology used to estimate projected population and population growth rate: Population projections were developed in conjunction with the 2007 Master Water Plan. A copy of the growth projections is provided as an attachment to this application. McNulty saw steady growth in customer basis through 2007. From 2008 through 2014 growth curtailed in large part due to the global economic recession and decline in the local housing market. As of 2014 McNulty had 917 service connections. Growth projections from the 2007 Master Water Plan were adjusted to align with actual growth realized through 2014. McNulty has seen a positive increase in service requests thus far through 2015 and is optimistic of future growth with the district.

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: 2.06 cfs as of Year: 2027

Methodology used to estimate peak water demand: **Projected Peak Water Demands were determined in conjunction with the 2007 Master Water Plan. A copy of the projected peak water demand is provided as an attachment to this application. Water Demand projections were adjusted to account for actual growth realized through 2014.**

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.

The PUD service area is generally comprised of Rural Residential 2 (RR2), Rural Residential 5 (RR5), Forest Agricultural (FA-80), Primary Agriculture (PA-80), and Primary Forest (PF-80). As a water utility provider for a rural community, defining areas for potential growth and system expansion can be challenging. McNulty is continually looking for opportunities to expand their service area and add customers within their current service area. While the Urban Service Agreement was a critical step in evaluating potential losses in customers to the City of St Helens and growth limitations on the southeasterly portions of the PUD, the water system master plan has not been updated to account for these changes. McNulty anticipates developing an update to the water system master plan during the time of the requested extension. The master plan update will address areas of potential growth.

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, 2027**

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

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.



TIP:

If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses 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.

The applicant is not requesting an extension for greater than 50 years.

[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.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
	12"x10" Well construction, (>200-ft but <500-ft depth), pump, controls, & structure.	\$250,000
	Extend 8" transmission main from well site to existing system in Robinette Road (4,100-LF).	\$410,000
Year: ____	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$660,000

[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.

The Urban Services Agreement with the City of St. Helens and the pending approval the ASR License #002, constitute two major components of the framework for a water system master plan update. McNulty is anticipating a water system master plan update within the requested extension period. The master plan update will provide an opportunity for McNulty to evaluate population and system demand projects as well as determine how to best integrate the Permit G-16779 water into the water system.

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

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

[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 Rights Information Query Results

Records/Page: 10

	<u>Contacts</u>	<u>Application</u>	<u>Permit</u>	<u>Certificate</u>	<u>Claim</u>	<u>Decree</u>	<u>Transfers</u>	<u>Status</u>	<i>rate</i>	<i>use</i>	<i>source</i>
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION PO BOX 177 ST HELENS, OR 97051	G1565	G1447	57888			▷ T3362 (Confirming)	NC	0.04 cfs	Dom. + Comm. use	Deshazer Well
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION PO BOX 177 ST HELENS, OR 97051	G7255	G6977	58654				NC	0.04 cfs	Quasi Muni	Deshazer Well
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION PO BOX 177 ST HELENS, OR 97051	G9782	G9542	58655				NC	1.0 cfs	Quasi Muni	Deshazer Well
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION PO BOX 177 ST HELENS, OR 97051	G10661	G9812	61176				NC	1.0 cfs	Quasi Muni	Millard Road Well
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION PO BOX 177 ST HELENS, OR 97051	G4691	G8026	65072			▷ T11498 (Changes this right)	NC	0.6 cfs	Quasi Muni	Well #1
	Select ▷ OWNER: MCNULTY WATER PEOPLES UTILITY DISTRICT PO BOX 260 SAINT HELENS, OR 97051	G17282	G16779					NC	1.0 cfs	Muni	Well McGilvra #2
✓	Select ▷ OWNER: MCNULTY WATER ASSOCIATION 34240 MILLARD RD WARREN, OR 97053	G13717	G12834	87258				NC	0.56 cfs	Quasi	A well in McNulty Creek Basin
✓	Select ▷ OWNER: MCNULTY WATER PEOPLES UTILITY DISTRICT	G15279	G15227	87259				NC	0.78 cfs	Quasi	Robinette Well

	34240 MILLARD RD WARREN, OR 97053							
Select	APPLICANT: ▷ MCNULTY WATER PEOPLES UTILITY DISTRICT PO BOX 260 SAINT HELENS, OR 97051 C/O: MCNULTY WATER PEOPLES UTILITY DISTRICT ▷ JEFF ANDERSON PO BOX 260 SAINT HELENS, OR 97051	AL15 ASR						NC

Download: [Point of diversion data](#), [Place of use data](#), [Stakeholder data](#)

[Return to WRIS Query](#)

Water Rights Inventory for (Name of Entity) **McNulty Water PUD**

(List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

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	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)		
G1565	G1447	8/25/1959	57888	T-3362	Well	Stone#1	<i>Commercial - Muni</i>	0.04	<i>0.04</i>	10/1/1962	See Cert No. 58655
G7255	G6977	2/11/1976	58654		Well	Stone#1	<i>Quasi Muni</i>	0.04	0.04	10/1/1979	Use during non-irrigation season
G9782	G9542	1/18/1982	58655		Well	Stone#1	<i>Quasi Muni</i>	1.0	<i>0.55 1.0</i>	10/1/1984	
G10661	G9812	2/23/1982	61176		Well	Millard#1	<i>Quasi Muni</i>	1.0	<i>0.55 1.0</i>	10/1/1984	
G4691	G8026	11/20/1968	<i>65072</i>	T-11498	Well	<i>Blaha#1 Blaha#2</i>	<i>Quasi Muni</i>	0.6	<i>0.55 0.6</i>	<i>2015</i> 10/1/1984	T-11498 sets rate at 0.6-cfs and cancels Cert #65072
G17282	G16779	11/4/2009			Well	McGilvra#2	Muni	1.0	-	8/23/2015	<i>not developed yet</i>
G13717	G12834	6/17/1994	87258		Well	Stone#2	<i>Quasi Muni</i>	0.56	<i>0.56</i>	10/1/1999	
G15279	G15227	1/2/2001	87259		Well	Robinette	<i>Quasi Muni</i>	0.78	0.55	10/1/2007	Well has been developed into ASR pending ASR license#002

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	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)		

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 specified in the permit or on the last extension Final Order).

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

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Application for Extension of Time
For Municipal and Quasi-Municipal Water Use Permits
Page 17 of 18

Last Revised: 2/4/2014

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Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate

Attachment "A"
For Extension of Time Application

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Application for Extension of Time
For Municipal and Quasi-Municipal Water Use Permits
Page 18 of 18

Last Revised: 2/4/2014

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APPENDIX I

PERMIT G-16779 AND MAP

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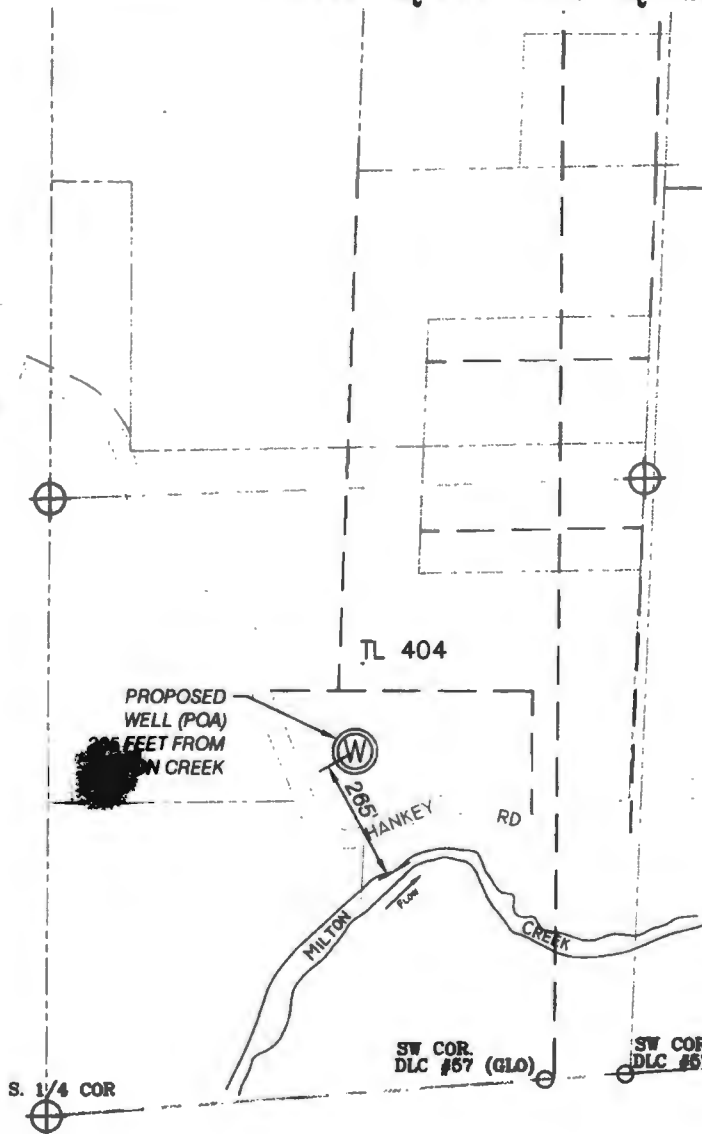
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G-17782

NOV 04 2009
WATER RESOURCES DEPT
SALEM, OREGON

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



SCALE: 1" = 400'

PREPARATION OF THIS MAP IS FOR
THE PURPOSE OF IDENTIFYING THE
LOCATION OF THE PROPOSED POA
ONLY. THERE IS NO INTENT TO
PROVIDE DIMENSIONS OR LOCATION
OF PROPERTY OWNERSHIP LINES.

NOTES

POA IS 1950 FEET WEST AND 591 FEET
NORTH OF THE SE COR, SEC 31

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POINT OF
BEGINNING OF
SURVEY



WATER USE PERMIT
APPLICATION MAP

IN THE NAME OF
THE McNULTY WATER PUD
FOR
QUASI-MUNICIPAL USE
FROM A PROPOSED WELL (McGILVRA #2) IN THE DART CREEK BASIN
SURVEYED JULY 30, 2009, BY JOHN E. BORDEN, CWRE

LEGEND

- — — — — PROPERTY LINE
- — — — — USGS GRID
- — — — — SURVEY LINE
- ⊕ SECTION CORNER
- DLC CORNER
- ⊙ WELL (P.O.A.)

JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilvra Well

FILE PATH & NAME: E:\McNulty\McGilvra\McGilvra_102509.dwg

T4N R1W, T4N R2W, T5N R1W, T5N R2W, W.M.
COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

SU

AND CLAIM

Application No. (

Ir

the l

Qu

from a well (Rob

Surveye

by Jo

NOTE:

Well loca

523 feet

54 feet

SE Cor

LEGE

P.O.U. I

P.O.U.

USGS C

ROADW

RAILWA

POWER

OPEN V

WATER

CLAIMED

SECTION

1/4 CC

1/4-1/

WELL

GATE V

PRESSU

FIRE H

RESERV

PREPARATION

OF IDENTIFYING

ONLY. THERE I

OR LOCATIC

JOHN E

CONSU

IF

T4NR1W,

COL

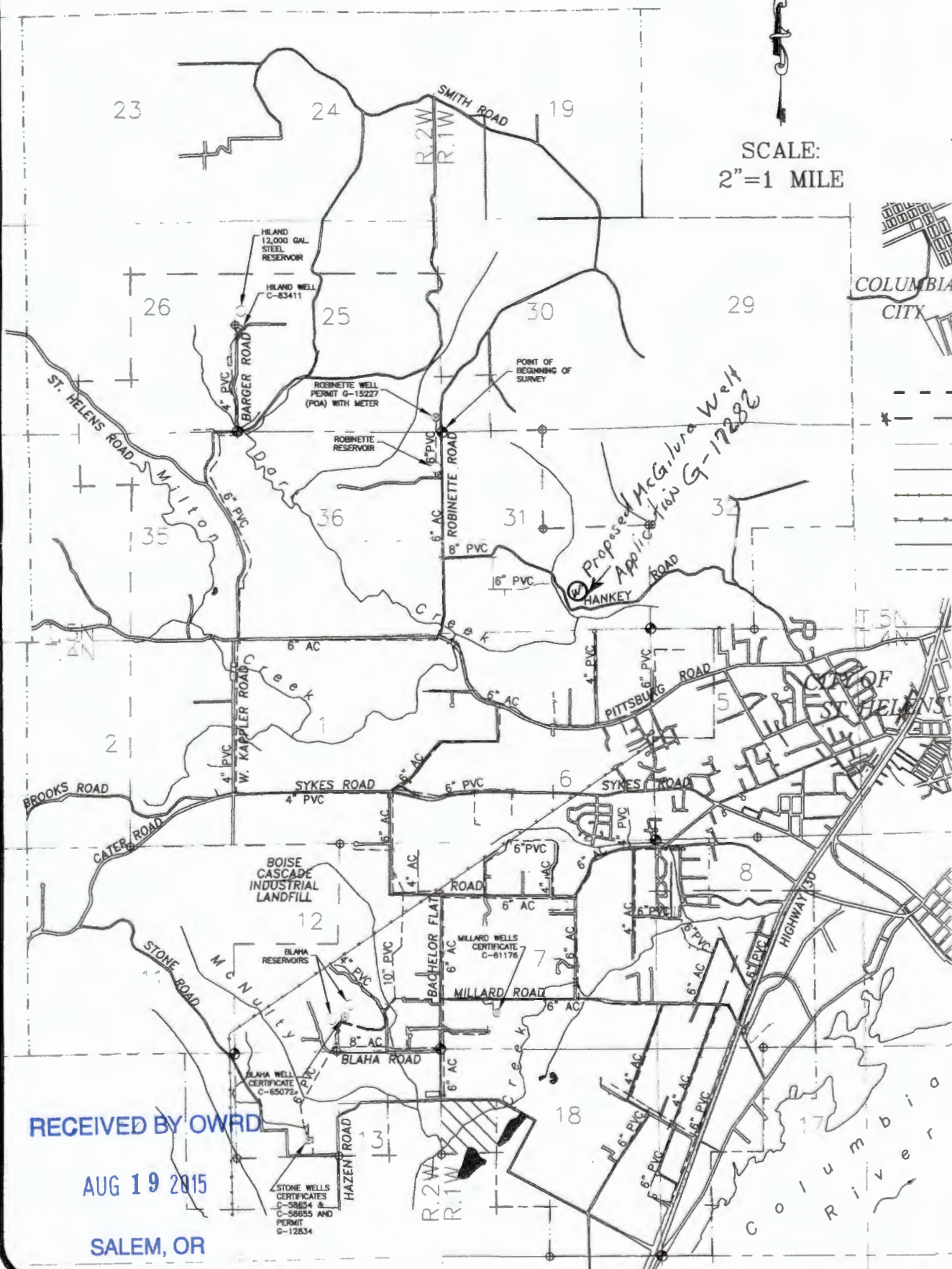
SURVEYED FO

SURVEYED B

SCALE: 2" =

FILEPATH &

SCALE:
2"=1 MILE



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N R1W, T4N R2W, T5N R1W, T5N R2W, W.M.

COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

SURVEY MAP

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AND CLAIM OF BENEFICIAL USE U

AUG 19 2015

Application No. G-15279, Permit No.
In The Name Of
the McNulty Water PUD
for

SALEM, OR

Quasi-Municipal Use
from a well (Robinette) in the Dart C
Surveyed November 21, 2008
by John E. Borden, CWRESCALE:
2"=1 MILE

NOTE:

Well location (P.O.A.) is
523 feet North and
54 feet West from the
SE Cor Sec 25, T5N, R2W, W.M.

LEGEND

P.O.U. PERMITTED

P.O.U.

USGS GRID

ROADWAY

RAILWAY

POWER LINE

OPEN WATER

WATER DISTRIBUTION

CLAIMED AREA OUTSIDE OF PERM
SECTION CORNER

1/4 CORNER

1/4-1/4 CORNER

WELL

GATE VALVE

PRESSURE REDUCTION VALVE

FIRE HYDRANT

RESERVOIR

RECE

NOV 0

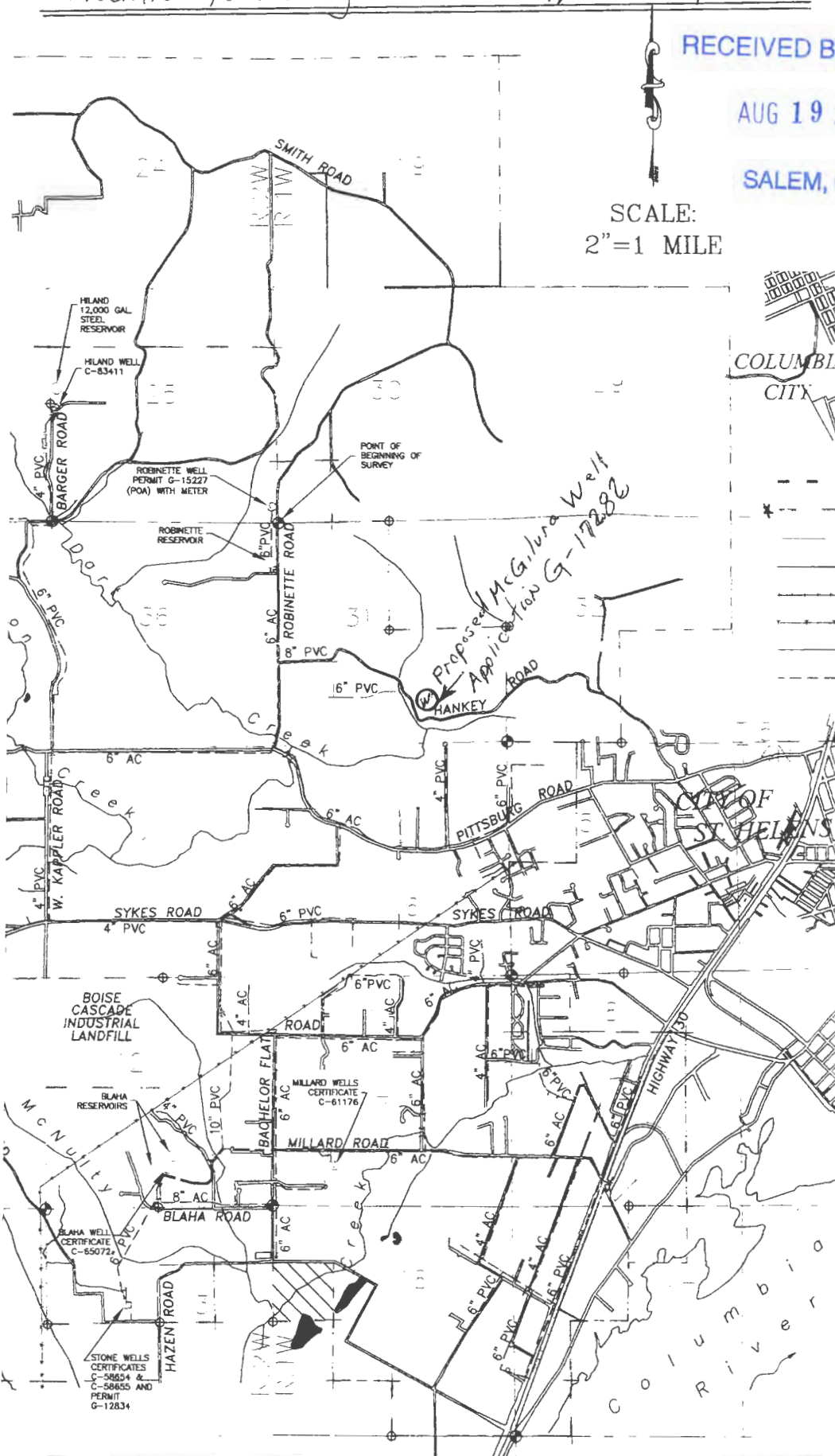
WATER RESO
SALEM, CPREPARATION OF THIS MAP IS FOR T
OF IDENTIFYING THE LOCATION OF THE
ONLY. THERE IS NO INTENT TO PROVID
OR LOCATION OF PROPERTY OWNER:JOHN BORDEN
CONSULTING5597 RI
503-72
WEST LIIN THE SECTIONS SHOWN
T4NR1W, T4NR2W, T5NR1W, T
COLUMBIA COUNTY, OR:

SURVEYED FOR: MCNULTY WATER PUI

SURVEYED BY: JOHN E. BORDEN

SCALE: 2" = 1 MILE DRAWN: CRW

FILEPATH & NAME: E:/ROBINETTE WELL/Robi





APPENDIX II

NEW HANKEY ROAD WALL (MCGILVRA) SITE PLAN APPROVAL FROM OREGON HEALTH AUTHORITY

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SALEM, OR

Frank R Dalton

- Authority

Phone: (971) 673-0459

Fax: (971) 673-0694

James.b.nusrala@state.or.us

www.oregon.gov/DHS/ph/dwp

SALEM, OR

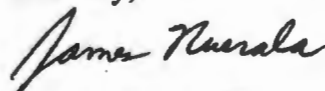
Based on OAR 333-061-0050 (2)(a), the DWP approves the proposed well construction with the following comments. The DWP hydrogeologist indicates that the casing seal must be constructed a minimum of 5 feet into competent bedrock, and through any silt, clay, sand or 'weathered basalt' that may lie above this confining layer. This may mean that the well driller may need to complete the casing seal to a depth greater than 50 to 70 feet as identified in the proposed well construction diagram submitted. You may proceed with drilling the well.

After completion of the well the following must be provided to the DWP, prior to the well being approved for use:

- Well driller's report or well log
- Results from well pump test
- As-built drawings or photos of the wellhead including above ground piping, screened vent, concrete slab, pipe to waste, and how the well is connected to the water system.
- Water quality data for the well (coliform bacteria, nitrate, arsenic, Inorganic Compounds, Synthetic Organic Compounds, Volatile Organic Compounds, and radionuclides)

If you have any questions, or would like this information in an alternate format, please contact me at (971) 673-0459, or james.b.nusrala@state.or.us.

Sincerely,



James Nusrala, PE
Regional Engineer

cc:

Fred Bolton, PE, Engineer for the District; Bolton Engineering, Inc.; 14875 SW Peachtree Drive; Tigard, OR 97224
Mark Edington, Columbia County Public Health

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APPENDIX III

URBAN SERVICE AGREEMENT RELATING TO PROVISION OF WATER SERVICE

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URBAN SERVICE AGREEMENT

RELATING TO PROVISION OF WATER SERVICE

This Urban Service Agreement is hereby entered into by and between the City of St. Helens ("City"), an Oregon municipal corporation and McNulty Water People's Utility District ("McNulty"), a People's Utility District formed under ORS Chapter 261 (collectively, the "Parties").

RECITALS

A. The Parties have the authority to enter into this Agreement pursuant to their respective Charter, Principal Acts, ORS 195.060 to 195.085, and ORS 190.003 through 190.030;

B. The Parties desire to enter into an agreement for the provision of water service by the City and McNulty within current City boundaries and eligible to be annexed by the City in the City's Urban Growth Boundary that are within McNulty's boundary ("Service Area");

C. The Parties undertook an extensive analysis of the water systems including current and forecasted demand, system capacity and capital improvements, financial and rate considerations, customer equity, governance, management, quantity and quality of service, physical characteristics of the Service Area, economic development, economies of scale and service related issues. The document containing the analysis is entitled "ORS 195 Criteria Review, Analysis and Work Product" dated May 10, 2012 as amended on October 11, 2012, all as set forth on Exhibit 1, attached hereto and incorporated by reference ("Study");

D. The City and McNulty have conducted public meeting processes regarding the Study described above and the adoption of this Agreement. The Parties agree that designating how water service will be provided under this Agreement is in the best interest of the citizens and customers served by the respective entities;

E. The Parties have a common interest in coordinating the planning, permitting, construction, operation and maintenance of necessary water infrastructure within the Service Area. The Parties further recognize the need to establish coordinated water service in the Service Area so as to prevent fragmented and duplicative service in the Service Area and to assign responsibility for service in such areas where the City's boundary and McNulty's boundary overlap;

F. City and McNulty have sufficient resources and facilities, either currently in place or that may be constructed, to provide urban level water service within the Service Area, both as the City now exists and as the City may expand its boundaries through future annexations, consistent with the Comprehensive Plan and land uses regulations of the City and Columbia County ("County"); and

G. The Parties have considered the factors required of an urban services agreement as prescribed by ORS 195.070 as set forth in the Study and are satisfied, in the reasonable exercise of their discretion, that all associated requirements are met by this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. **SERVICES PROVIDED.** Except as otherwise provided, during the term of this Agreement, City and McNulty shall be the exclusive providers of water service within their jurisdictional boundaries. All water service will be provided to properties by City or McNulty subject to the respective Rules and Regulations for Service adopted by either, moreover, such rules may be amended from time to time by the respective governing bodies of City or McNulty. Furthermore, City and McNulty shall be wholly responsible for the construction, operation, repair and maintenance of all related infrastructure and facilities, including any labor and materials, required to provide service under this Agreement.

2. **ANNEXATION BY CITY WITHIN MCNULTY TERRITORY.** McNulty agrees not to contest or oppose annexation by the City of territory within the Service Area so long as such annexation and provision of water service is consistent with the terms of this Agreement.

- 2.1 **Property Owner Consent.** The Parties agree that City annexation of property within the Service Area shall occur only by consent of the property owner of the parcel to be annexed except as provided in Section 2.2 below.
- 2.2 **Health Hazard Abatement Exception.** In the event an involuntary annexation becomes necessary under ORS 222.120(4)(c) to address a finding of a danger to public health issued by the Oregon Health Authority, the affected property owners may elect to remain customers of McNulty, provided the condition causing the danger to public health is not impure or inadequate domestic water.
- 2.3 **Property East of Highway 30.** The Parties agree that all properties within McNulty's boundaries lying east of Highway 30 and set forth on Exhibit 2, attached hereto and incorporated by reference, shall be served by the City following annexation and upon City water service availability. Upon annexation, the City shall have sole responsibility to provide service to the parcels when City water service is available.
- 2.4 **Properties Zoned Commercial and Industrial West of Highway 30.** The Parties agree that those properties within McNulty's boundaries lying west of Highway 30 zoned commercial or industrial at the time of annexation, (depicted on Exhibit 2 as of the date of this Agreement) shall be served by the City upon annexation and availability of City water. Upon annexation City shall have sole responsibility to provide water service to those commercial and industrial properties following annexation and City water service availability.
- 2.5 **North of Pittsburg Road and West of Battle Mountain Road.** McNulty shall be responsible to serve the area north of Pittsburg Road and west of Battle Mountain Road as shown on Exhibit 2.
- 2.6 **Residential Properties.** Existing or new residential properties within McNulty's boundaries meeting existing County zoning and density may continue as McNulty customers until the property is subdivided. Existing or new residential property owners within McNulty's boundaries who do not subdivide may request to connect the property

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to the City's sanitary sewer system and apply to the City for sewer service. At the time the property owner requests sanitary sewer service, the property owner may elect to receive water service from McNulty or from the City. The election for water service and the provision of City sanitary service require all of the following:

- 2.6.1 The property owner agrees to pay all charges, fees and costs to McNulty or City and comply with all system requirements depending upon which water system service is chosen.
- 2.6.2 The property owner executes a non-revocable consent to annexation effective only if the property is subdivided such that the density or number of dwellings exceeds the County's zoning allowance for the property. If the property is not subdivided, then no annexation will occur unless the property owner requests it.
- 2.6.3 The property owner executes an agreement to connect the new properties created by subdivision to the City's water system when the City system is available following subdivision approval and annexation.
- 2.6.4 The property owner executes an agreement to construct the improvements to connect to the City's sanitary sewer system.
- 2.7 System Development Charges. When the property is subdivided, the new parcels created by subdivision will be required to pay all applicable City Water system development charges and other applicable connection fees. If there is an existing dwelling that was connected to the McNulty system that is part of the subdivided parcel, then that lot and dwelling may connect to the City system without payment of the City system development charge, or any tap or connection fee associated with the connection to the City system.
- 2.8 Fees and Charges. City and McNulty may assess and collect all legally permissible fees and charges for services provided to any existing or future property they serve within the Service Area under this Agreement.

3. **FINANCIAL IMPACT.** The execution of this Agreement shall not require any financial remuneration among the City and McNulty initially. The Parties enter into this Agreement upon the assumption that the annexation by City of McNulty territory will occur over an extended period as housing demands increase causing subdivision of land and development. The Parties believe the City's Urban Growth boundary will provide land for City growth through 2060. McNulty and City recognize that water utilities have both fixed and variable costs and that financial analysis is required to assess the impact of annexation on McNulty over time. Given the supply and storage capacity of McNulty, the overall state of its water system and its ability to control costs, neither party expects any significant adverse impact on McNulty water customers in the near term. Financial impacts will be considered and analyzed as part of Review, Section 8, below.

4. **COMPENSATION.** If the City and McNulty agree, then the City may take and incorporate McNulty water distribution infrastructure (not including the source waters, storage or transmission mains) (collectively "Distribution System Assets") into the City system following annexation by the City and transfer of customers to the City system. The City will compensate McNulty for the

depreciated book value of the Distribution System Assets based upon their remaining useful life determined by asset management standards developed by the American Water Works Association. It is anticipated the City would take and incorporate Distribution System Assets if they meet City design and construction standards. If the City and McNulty agree that City will take Distribution System Assets that are not designed and constructed to City standards, then City must pay McNulty if those Distribution System Assets remain in service after two (2) years. The Parties agree to execute a mutual use agreement if a Distribution System Asset is used to serve both City and McNulty customers.

5. COORDINATION. The Parties hereby agree to engage in a cooperative, coordinated approach to data sharing, meter and usage information, infrastructure planning, land use permitting, development review, and capital planning, especially as those activities relate to existing and future water service or associated utility corridor or right of way development. City and McNulty are responsible for the development and amendment of any needed facilities to ensure continued service within their boundaries. City and McNulty will consult with each other and provide opportunity for review and comment on any plans or amendments to such facilities that would affect water service within the Service Area.

The Parties further agree to share data and information relevant to such planning, including (but not limited to) economic growth; demographics, housing and building details, land use and zoning; development applications, planned annexations, building activity and planned transportation improvements; major capital improvements, opportunities for joint development of sites; and other information that may be relevant to conduct or complete the necessary planning by all Parties.

6. SPECIAL CONDITIONS. City and McNulty also agree to comply with the following special conditions:

6.1 Use of City Right of Way. Subject to the City's permitting process and engineering coordination of location within the City's right of way, McNulty shall be entitled to locate, maintain and relocate necessary facilities within the City right of ways during the term of this Agreement upon payment of a five percent (5%) privilege tax for use of the right of way in accordance with ORS 221.450. The 5% privilege tax shall be calculated on revenue generated on water sales to McNulty customers within the City boundaries, and will be payable by McNulty on a quarterly basis, each payment due thirty (30) days after the date McNulty sends out quarterly billing statements to its customers. Wherever technically feasible and according to prudent utility practices, facilities installed by McNulty within the City after the date of this Agreement shall be so located as to cause minimum interference with the proper use or development of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways or places. McNulty shall obtain street opening permits for all street cuts and shall comply with the provisions of City's street cut ordinance.

6.2 Restoration. In case of any disturbance of pavement, sidewalk, driveway or other existing surfacing by McNulty as caused by normal operations (including but not limited to pipeline repair, main line extensions, or other access to buried facilities) McNulty shall, at its own cost and expense and in a manner approved by City, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in

as near as practicable condition as before the disturbance. If McNulty fails to make restoration as required, City shall cause the repairs to be made at the expense of McNulty. Such restoration will meet all existing material specifications required by the City.

7. **APPROVAL; AMENDMENT.** This Agreement, and any amendments thereto, must be approved by resolution of the governing body of each Party, and signed by an authorized representative of each Party. This Agreement shall be reviewed by the parties under the Review Section below or if legislative or court decisions so require but any amendment must be approved as provided in this Section.

8. **REVIEW.** McNulty and City agree to meet upon request of any Party but at least once every five years to review the terms of this Agreement and provision of service in the Service Area. The Parties shall meet within 30 days of written notice by McNulty to City if it appears City annexation will result in (i) a ten percent (10%) reduction in McNulty customers in the Service Area; or (ii) a five percent (5%) reduction in total McNulty customers as a result. In all circumstances, City and McNulty will use good faith efforts to mitigate those impacts which includes, but is not limited to, financial remuneration for negative impacts, loss of revenue payment of proportionate shares of debt and other mutually agreed amendments to this Agreement.

9. **TERM OF AGREEMENT.** This Agreement shall continue in full force and effect unless terminated under mutual agreement in writing by all Parties. The Parties agree that at the expiration of each twenty (20) year term, they will re-open, revise, and extend the Agreement as necessary for an additional twenty (20) year term.

10. **DISPUTE RESOLUTION.** The Parties hereby agree that resolution of any and all disputes arising out of the terms of this Agreement or interpretation thereof shall follow a prescribed process beginning with negotiation and subsequently moving to mediation, provided the dispute remains unresolved.

10.1 **Negotiations.** Within thirty (30) days following receipt of written notice regarding a dispute ("Dispute Notice"), the parties to the dispute ("Disputing Parties") shall assign a representative to participate in good faith negotiations for a period not to exceed sixty (60) days after appointment of the representatives.

10.2 **Mediation.** If after the sixty (60) day period of negotiation (or a period not to exceed ninety (90) days following the receipt date of the Dispute Notice), the dispute(s) cannot be resolved, the Disputing Parties agree to submit the matter to non-binding mediation. The Disputing Parties shall attempt to agree on a mediator in a period not to exceed thirty (30) days (or a period not to exceed one hundred twenty (120) days following the receipt date of the Dispute Notice) and proceed accordingly.

10.3 **Litigation.** If the Parties cannot agree on a mediator within the allocated time, or if the mediator cannot resolve the dispute(s) within one hundred eighty (180) days following the receipt date of the Dispute Notice, either of the Disputing Parties may initiate litigation in the Circuit Court of the State of Oregon for Columbia County and seek all available remedies. Moreover, each of the Disputing Parties shall bear its own legal and expert witness fees at all stages of the dispute resolution process, including at trial or on

any appeals. In addition, nothing shall prevent the Disputing Parties from waiving any of the steps by mutual consent.

11. ADDITIONAL PROVISIONS.

- 11.1 Other Necessary Acts. Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.
- 11.2 Severability. If one or more of the provisions contained in this Agreement is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall continue in full force and effect.
- 11.3 Notices. Any notice herein required or permitted to be given shall be given in writing, shall be effective when actually received, and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

City Administrator
City of St. Helens
P.O. Box 278
St. Helens, Oregon 97051

Chair, Board of Directors
McNulty Water PUD
P.O. Box 260
St. Helens, Oregon 97051

These addresses may be changed by written notice to the other Parties.

- 11.4 No Third-Party Beneficiaries. The Parties to this Agreement are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons.
- 11.5 Nonwaiver. Failure by any Party at any time to require performance by any other Party or Parties of any of the provisions of this Agreement shall in no way affect such Party's rights hereunder to enforce the same, nor shall any waiver by any Party or Parties of the breach of this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.
- 11.6 Applicable Law. The Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
- 11.7 Compliance with Laws. In connection with their activities under this Agreement, all Parties shall comply with all federal, state, and local laws, comprehensive plans and ordinances applicable to this Agreement, or any work performed pursuant to this Agreement.
- 11.8 Assignment. No Party shall assign this Agreement, in whole or in part, or any right or obligation hereunder, without written approval of the other Party, which shall not be unreasonably withheld.

11.9 Binding Effect. The covenants, conditions, and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors of the parties hereto.

IN WITNESS WHEREOF, the parties have, pursuant to official action, duly authorized their respective officers to execute this Agreement on their behalf.

Dated this 3rd day of September, 2013.

CITY OF ST. HELENS

MCNULTY WATER PEOPLE'S
UTILITY DISTRICT

By: Randy Pitt
Mayor

By: Richard R. Lopez
Chair

Attest: Kathy Payne
City Recorder

Attest: Mary Mawney
Secretary

APPROVED AS TO FORM

See attached

City Attorney

APPROVED AS TO FORM

Legal Counsel

4822-8786-9972, v. 1

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11.9 Binding Effect. The covenants, conditions, and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the successors of the parties hereto.

IN WITNESS WHEREOF, the parties have, pursuant to official action, duly authorized their respective officers to execute this Agreement on their behalf.

Dated this ____ day of _____, 2013.

CITY OF ST. HELENS

MCNULTY WATER PEOPLE'S
UTILITY DISTRICT

By: Randy Pelt
Mayor

By: See attached
Chair

Attest: Kathy Payne
City Recorder

See attached
Attest: _____
Secretary

APPROVED AS TO FORM

APPROVED AS TO FORM

[Signature]
City Attorney

See attached
Legal Counsel

4822-8786-9972, v. 1

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**CITY OF ST HELENS AND MCNULTY PUD
URBAN SERVICE AGREEMENT
ORS 195 CRITERIA REVIEW, ANALYSIS & WORK PRODUCT**

DATE: MAY 10, 2012

TO: ORS 195 McNulty PUD- City of St. Helens Working Group*

FROM: ORS 195 McNulty PUD-City of St. Helens Technical Group**

INTRODUCTION

It is the intent of the Working Group to develop a 195 Agreement between McNulty PUD and St. Helens to delineate roles and responsibilities of each party with regard to provision of future water service within St. Helens' Urban Growth Area (UGA).

At its meeting of November 15, 2011, the Working Group formed the Technical Group and charged it with analyzing water service provision within the UGA and providing information and analysis to the Working Group. The Technical Group was directed to undertake its analysis using the structured methodology contained in the relevant sections of ORS 195.

The work of the Technical Group was facilitated and supported by Glen Higgins, Columbia County Planning Manager and Deborah Jacob, Columbia County Planner II, and Michael Rosenberger, an independent consultant.

Included in this memorandum is the analysis and information requested. It is organized by Criterion, as delineated in ORS 195.

ORS 195 CRITERIA

There are 11 criteria and they are assessed individually.

They are these (Note that the first five are the ones that were identified by the Working Group as highest priority, although they are all important):

1. Quantity and Quality of Service
2. Financial Capacity (There is one document related to data and one related to analysis.)
3. Customer Financial Impact, Rates, Equity and Bills
4. Operational Capacity
5. Duplication of Facilities
6. Management Capacity
7. Customer Accountability
8. Economies of Scale
9. Cost Allocation of Future Services
10. Physical Factors Associated with Service Provision
11. Demographic and Sociological Trends

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*Chad Olsen -- City Administrator (former)

Randy Peterson -- Mayor

Doug Morten -- City Councilor

Bob Nicklaus -- Board Member

Andy Tinkess -- General Manager

Dick Lager -- Board Member

**Andy Tinkess -- General Manager

Jon Borden -- Consulting Engineer

Fred Bolton -- Consulting Engineer

Jon Ellis -- Finance Director

Sue Nelson -- Engineering Supervisor

Neal Sheppeard -- Public Works supervisor

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SUMMARY AND OVERVIEW

The criteria-based approach provides a structured and comprehensive basis for comparing relative attributes and performance indicators of each entity.

Without repeating everything that is covered in this document, a few items of note are these:

Both entities adequately meet current supply capacity needs; meet all drinking water quality standards; meet pressure and fire flow requirements;

Based on 2030 demands projected by HDR, St. Helens can meet them with a relatively small investment at the water treatment plant; McNulty would need to invest substantial (although not yet quantified) amounts of money to expand supply capacity;

Customer bills are higher in St. Helens than in McNulty at all levels of consumption;

Both entities have well-documented policies and procedures;

Both entities have comprehensive customer communications programs;

Both entities have experienced declining per capita water consumption levels, increasing levels of late payments as a growing number of customers have difficulty paying bills on time, and very slow rates of growth;

There is little duplication of facilities;

Both entities address the issue of equity between current and new customers via System Development Charges (SDCs); an equity issue that has been identified by the Technical Group relates to costs borne by current St. Helens customers to upsize components of the water system in anticipation of growth;

Both systems appear to be "tight" with reasonable levels of unaccounted for water, even though the systems are very different in terms of materials (primarily Ductile and Cast Iron in the City; PVC and Asbestos Cement in the PUD); and both have ongoing leak detection programs;

Financial viability is a major concern of the PUD should the number of PUD customers be significantly reduced. The City has the same concern should planned expansion of the customer base not occur.

The staffing level (ratio of personnel to customers) is more than twice as high in the City than in the PUD.

CONCLUSION

The Technical Group is presenting this information and analysis to the Working Group pursuant to its direction.

We are available to meet and discuss this content, and provide additional information as needed.

ORS 195 CRITERIA: COMPARISON OF MCNULTY PUD AND CITY OF ST. HELENS

TABLE OF CONTENTS

- I. Quantity and Quality of Service**
- II. Financial Capacity (narrative)
Financial Capacity (data)**
- III. Customer Financial Impact, Rates, Equity and Bills**
- IV. Operational Capacity**
- V. Duplication of Facilities**
- VI. Management Capacity**
- VII. Customer Accountability**
- VIII. Economies of Scale**
- IX. Cost allocation of Future Services**
- X. Physical Factors Associated with Service Provision**
- XI. Demographic and Sociological Trends**

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I. ORS Criterion - Quantity and Quality of Service

Performance Indicator	McNulty PUD	City of St. Helens
Water Supply Availability	1.93milliongallons/day (mgd)	7.15 mgd
(NOTE: A critical piece of this analysis relates to the ability of each entity to meet projected growth in the Urban Growth Area. Demand estimates were generated by HDR, the consulting engineer developing the City's Water Master Plan. McNulty has expressed its belief that the demand forecasts are overstated with regard to commercial and industrial growth. Both HDR and the City stand by the forecasts, so they are the basis of this demand/capacity analysis.)	At 2030 Maximum Daily Demand (MDD) McNulty has a supply deficit of 1.1 mgd, 1.8 mgd, and 3.1mgd at low, medium and high growth scenarios. To meet projected growth under any scenario McNulty would have to add considerable supply capacity of to-be-determined cost.	At 2030 MDD St. Helens has a surplus of 1.75 mgd at low growth scenario; a surplus of 0.95 mgd at medium growth scenario; and a deficit of 0.45 mgd high growth scenario. St. Helens can add required supply capacity at a cost of approximately \$185,000 (per City) at the water treatment plant.
	McNulty is consistently looking for new water supplies as part of routine system upgrade aimed at providing pressure-zone independence	
	McNulty's excess capacity is approximately 1.63 mgd	The City has approximately 5.15 mgd excess capacity

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Water Quality	Does not treat or chlorinate its water	Filters, treats and chlorinates its water at the treatment plant; chlorinates but does not treat its well water
Both entities meet all water quality standards and regulations of the Safe Drinking Water Act	16 Violation Points per the State's website (Oregon Health) over the past 5 years	2 Violation Points per the State's (Oregon Health) website over the past 5 years
Water Pressure	All connections comply with the minimum 20 psi requirement for residential customers.	All connections comply with the minimum 20 psi requirement for residential customers.
	Four pressure zones	Two pressure zones
Fire Flow (NOTE: The next ISO evaluation and rating will take place in April, 2012)	ISO Rating of 4 and 8 system-wide; Primarily 4 within UGA with adequate volume & pressure. Commercial fire flows in the UGB along Highway 30 are based on 1,500 gallons per minute at the minimum of 20 psi.	Fire flow design standards for commercial and industrial land uses is 3,000 and 3,500 gallons per minute, respectively.
	Majority of connections are within 1000 feet of a fire hydrant and within 5 miles of a fire station	All connections are within 500 feet of a hydrant; majority are within 250 feet; all customers are within three miles of a fire station.
Storage	Has designed its system to meet routine demand plus fire flow	Has designed its system to meet routine demand plus fire flow
	Additional storage requirements will be determined using the data generated by the three scenario demand analysis. This will be ongoing work and not identified at this time.	Additional storage requirements will be determined using the data generated by the three scenario demand analysis. These requirements should be identified in the City's currently under-development

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		Water Master Plan.
	McNulty is in the process of testing an Aquifer Storage and Recovery (ASR) development that to date shows storage of 5 million gallons which obviates the need to build an above-ground storage tank. Results will be known, and a possible license obtained, in 2014.	
Security	Completed federally mandated Vulnerability Assessment (VA) and has no open reservoirs	Completed federally mandated Vulnerability Assessment Completed federally mandated Vulnerability Assessment (VA) and has no open reservoirs
	Numerous facility alarms and fencing Hatch alarms exist at all reservoir and tank sites	Numerous alarms but not on all sites/facilities. Hatch alarms will be installed during FY 2012-13
	Alarms are integrated with SCADA	Alarms are integrated with SCADA and/or telemetry
Leak Detection	In-house annual acoustic survey of areas the PUD has identified	Contractors provide annual acoustic survey of areas identified by City.
		City conducts surveys in-house as part of ongoing O&M
Backflow	Program meets State Standards	Program meets State Standards
	DCVA on all new customers including residential PUD provides initial device	Customers at risk install backflow at their own expense. City determines risk level and need for BF.

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	10% of customers have Backflow and the PUD has a multi-year program to cover all customers	All costs are borne by customers including acquisition, testing (after year one which is covered by the City) and replacement. Single check device is installed by the City at its cost on non-risky residential customers at the time of initial installation or replacement
Unaccounted for Water	12.03 % (PUD-generated figure)	12.11 % (HDR figure from the master plan)
Engineering Systems & Standards	9.43 miles (53%) of PUD within the UGA is PVC and 8.52 miles (47%) is AC.	80% of the City's system is Ductile and Cast Iron; 14% is steel; 5% is concrete cylinder; 1% is PVC. In the UGA all piping is or will be DI.
	Has written Policies and Manuals	Has Written Policies and Manuals
Conservation	Has a Water Conservation & Management Plan dated 2000	Is close to finalizing its Water Management and Conservation Plan as part of the Water Master Plan, which will be completed in 2012

	Has a tiered rate structure, but a water usage allowance within fixed rate.	Sewer bills are based on water usage; most of water bill is based on usage.
--	---	---

	Telemetry and meter calibration and replacement are ongoing O&M activities	Telemetry and meter calibration and replacement are ongoing O&M activities
	Usage exception, account flagging, and leak detection surveys and program	Shower head and faucet aerator give-away as well as leak detection surveys and programs
	Public information and	Public information and

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educational programs

educational program

II. ORS Criterion-Financial Capacity (Analysis)

Performance Indicator	McNulty PUD	City of St. Helens
Funding Operations and Maintenance (O&M)	Funds ongoing O&M expenditures with current operating revenue	Funds ongoing O&M expenditures with current operating revenues and cash balances. Will fund O&M with current revenue in FY 2012-13.
Financial Plan	Does not have a long term financial plan; Multi-year Capital Improvement Plan (CIP) is included in its Master Plan; Assesses financial situation annually as part of budget development, including identification of budget year CIP and rate requirements.	Has a 20 year Financial Plan with focus on first five years (It includes capital plan and expected rate increases); Annual budget process
	Analyzes rates annually to ensure financial needs are met	Projected rate increases are included in the Financial Plan and reviewed annually
Treasury Functions	Local Government Investment Pool (LGIP)	LGIP primarily but some local investment outside of LGIP, primarily in highly rated (AAA) bonds
Bad Debt Policies	Water User Agreements tie water bill to property (as an alternative to liens, which PUDs cannot assess)	
	Notifies Realtors of all delinquent customers so outstanding bills can be paid at time of sale of property	A collection process enables the use of collections agencies. Liens are not used but the City has the authority to impose them.
	Has seldom used collection agencies	

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	Write-offs for bad debt / uncollectible bills are low	Write-offs for bad debt / uncollectible bills are low
Reserve Policy	No set target; Cash and cash equivalents on 6/30/10 were \$605,266. This includes operating surpluses and all other cash.	Target is 20% of O&M— 60-90 days of operating cash requirements

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II. ORS Criterion-Financial Capacity (Data)

Data	McNulty	St Helens
FY 09-10 Revenue	434,200	2,106,846
FY 09-10 O&M expenses	347,093	2,529,447
Change to Fund balance	31,107	-1,088,438
Net Assets	2,162,952	14,499,542
# of Customers	2,451	12,050
# of Connections	923	4,700
Revenue per Capita	177.07	174.64
O & M Expense per Capita	141.55	209.91
Assets per Capita	882.12	1,203.28
Bonded Debt: 6/30/2010	0	6,552,188
FY 11-12 Debt Service	0	541,860
FY 09-10 Operating Ratio	0.8	
O & M Expenses/revenue		
Debt-equity ratio	na	
Debt Coverage Ratio		FY 10-11: 0.34 FY 11-12: 0.7 FY 12-13: 1.2-1.5
DATA SOURCES St Helens Annual Financial Report FY 09-10		
McNulty Audited Financial Statements FY 09-10		
St Helens Budget FY 11-12		
St Helens Finance Director		

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III. ORS Criterion-Customer Financial Impact, Rates, Equity and Bills

Performance Indicator	McMcNulty PUD	City of St. Helens
Monthly Residential Rates	Current rates have been in place since second Quarter of 2007 The PUD has no plans to increase rates in the foreseeable future. Additional facilities to meet growth will put upward pressure on rates.	Current rates have been in place since 12/15/11 The current Financial Plan calls for rates to increase 15% on 12/15/12; 12/15/13; and 12/15/14. At each of those times, the financial projections will be reviewed and rates may or may not increase the planned 15%
Current Residential Bill Comparison	5.5 ccf \$25.00 7.5 ccf \$28.54 10 ccf \$34.44	5.5 ccf \$30.88 (+23%) 7.5 ccf \$39.11(+37%) 10 ccf \$49.38 (+43%)
Bill Relief	No current program for low income customers	Current senior discount program will expand to a low income program in FY 2011-12 (i.e. The discount will be based on income rather than age.)

Rate Structure	Universal Automated Meter Reading (AMR) and no estimated bills Three inclining block rates; Base charge includes a water usage allowance; One customer class since almost all customers are residential quarterly	AMR in process (will be completed in 3-4 years); bills are based on actual use Base charge with no water usage allowance, so bills are a function primarily of individual water consumption; No block rates; Three retail customer classes and one wholesale (Columbia City) Bill most customers bi-monthly; a few large users are billed monthly
System Development Charges to promote equity among new and existing customers	The SDC is established by subtracting the cost of material and installation (labor) from the connection fee. This methodology does not conform to ORS 223.	The SDC's are a combination of a reimbursement fee and an improvement fee per ORS 223. The fees are calculated/updated periodically by the City's Financial Advisor.

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IV. ORS Criterion-Operational Capacity

Performance Indicator	McNulty PUD	City of St. Helens
Targeted Service Levels	Immediate to one hour response for emergency and non-emergency calls depending on whether they are received during working hours or outside of them	Immediate response to all calls during working hours; maximum one hour response to all calls during non working hours.
Standard Operating Procedures	Yes	Yes
Technology	SCADA and Telemetry	SCADA and Telemetry
Staff (The ratio of staff to customers is twice as high in St. Helens as it is in McNulty.) (NOTE: These figures represent staff dedicated to water operations and maintenance. In the case of St. Helens as many as 12 additional Public Works staff can be deployed to assist in times of need (floods, main breaks, etc.).	0.9 FTE contract Manager/Operator; Two part-time, on-call field persons; 0.5 FTE office staff Contracts for field work as needed (e.g. repairs, hydrant installation, backflow); contractors add capacity to Manager as needed. 2,452 customers/0.9 FTE equals 1 FTE per 2,724 customers	8 FTE field staff 2 FTE water treatment plant operators 1.5 FTE office staff 12,050 customers/10 FTE equals 1 FTE per 1,205 customers.

V. ORS Criterion-Duplication of Facilities

Performance Indicator	McNulty PUD	City of St. Helens
Duplication was noted in Meadow View (main line) and at Gable near Columbia Blvd. (3 services)		
Coordination of City Service Provision		Urban services associated with stormwater, drainage, street cleaning, hydrant flushing, and water system maintenance in the right of way need to be coordinated with provision of water services.

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VI. ORS Criterion-Management Capacity

Performance Indicator	McNulty PUD	City of St. Helens
Planning Functions	Water Master Plan, including Capital Improvement Plan, and a Water Conservation/Management Plan exist. Financial planning is done year to year.	Water Master Plan is in process and includes Water Conservation/Management Plan. Multi-year CIP exists. St. Helens has a multi-year Financial Plan updated annually.
Policy Making	Policy making is the responsibility of an elected Board, which holds regularly scheduled meetings open to the public.	Policy making is the responsibility of an elected City Council, which holds regularly scheduled meetings open to the public.
Organization Admin/Mgmt	The PUD is managed by a contract operator.	The water utility is managed by the Public Works Director, and operated by a Public Works Supervisor.

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VII. ORS Criterion-Customer Accountability

Performance Indicator	McNulty PUD	City of St. Helens
Communications	Newsletter – mailed to customers twice per year. Utility billings – quarterly Consumer Confidence Report – mailed to customers annually. PUD Board -- monthly meeting open to the public; special meetings as needed. Customer satisfaction survey in 2011 and planned for every few years.	City Website - Several water specific pages updated on an ongoing basis City E-newsletter - Monthly Utility Billings - every other month Gazette - (City printed newsletter) mailed to all water customers - quarterly Consumer Confidence Report - mailed to all water customers - annually City Council - meets twice on both the first and third Wednesday of each month. All four meetings are open to the public. Budget Committee, consisting of the City Council and five City residents - meets approximately six times over 3 months at budget time. Rate forums - several per year at budget time.

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VIII. ORS Criterion-Economies of Scale

Performance Indicator	McNulty PUD	City of St. Helens
Scale	Growth will enable the PUD to allocate fixed costs over a broader customer base.	Growth will enable the City to allocate fixed costs over a broader customer base.
Oversizing assets		The City has made the point that it has oversized components of the system in order to serve projected growth within the UGA.
Financial Viability	This is a concern to the PUD should the number of customers be significantly reduced.	The City is concerned about the financial impact of not annexing and serving planned growth.

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IX. ORS Criterion-Cost Allocation of Future Services

Performance Indicator	McNulty PUD	City of St. Helens
Equity between New and Current Customers	System Development Charges address the equity issue.	System Development Charges address the equity issue.

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19698-38497 Urban Service Agt Relating to Provision

X. ORS Criterion- Physical Factors Associated with Service Provision

Performance Criteria	McNulty PUD	City of St. Helens
Elevation	McNulty has existing infrastructure in a higher elevation area off Pittsburg Rd. named the "Robinette" and "Smith" pressure zones	
Highway 30	This is a physical factor affecting water system design and service provision.	This is a physical factor affecting water system design and service provision.
McNulty Customers east of Highway 30	These customers are essentially a pocket surrounded by St. Helens city limits and customers.	

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49698-38497 Urban Service Agt Relating to Provision

XI. ORS Criterion-Demographic and Sociological Trends

Performance Indicator	McNulty PUD	City of St. Helens
Reduction in per capita/per household water consumption	This is occurring.	This is occurring.
A trend demonstrating more difficulty on the part of a growing number of customers to pay bills on time	This is occurring.	This is occurring.
A slow rate of growth and development in both the PUD and City service areas		

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ORS 195 CRITERIA REVIEW, ANALYSIS AND WORK PRODUCT

Adopted by Working Group May 10, 2012

ADDENDUM #1

OCTOBER 11, 2012

INTRODUCTION:

On May 10, 2012, the City of St. Helens and the McNulty Water People's Utility District adopted the ORS 195 Work Product that it commissioned on November 15, 2011.

That Work Product is the basis of the negotiations currently underway between the entities to develop and adopt an Urban Services Agreement related to provision of water service within the Urban Growth Area. It will continue to be the basis for modifications to the Agreement in the future.

It is the intent of the parties to update (via addendum) the Work Product as changes occur over time within each water system. All addenda will be appended to the original Work Product and incorporated by reference.

ADDENDUM #1 CONTENT:

1. ORS Criterion- Customer Financial Impact, Rates, Equity and Bills

With regard to the System Development Charge content on page 9 in the McNulty PUD column, the following language is added to reflect the current situation:

McNulty PUD has contracted with a financial consultant to undertake an analysis of its retail and wholesale rates, and its System Development Charge methodology and amount. McNulty intends to adopt the analysis by December 31, 2012.

2. ORS Criterion-Management Capacity

With regard to the Planning Functions content on page 12 in the St. Helens column, the following language is added to reflect the current situation:

The City of St. Helens is reviewing and finalizing its multi-year Master Plan. It will be discussed and adopted by the City Council by December 31, 2012. At that time it will be available for public dissemination.

CONCLUSION:

The next Addendum will be published as circumstances warrant.

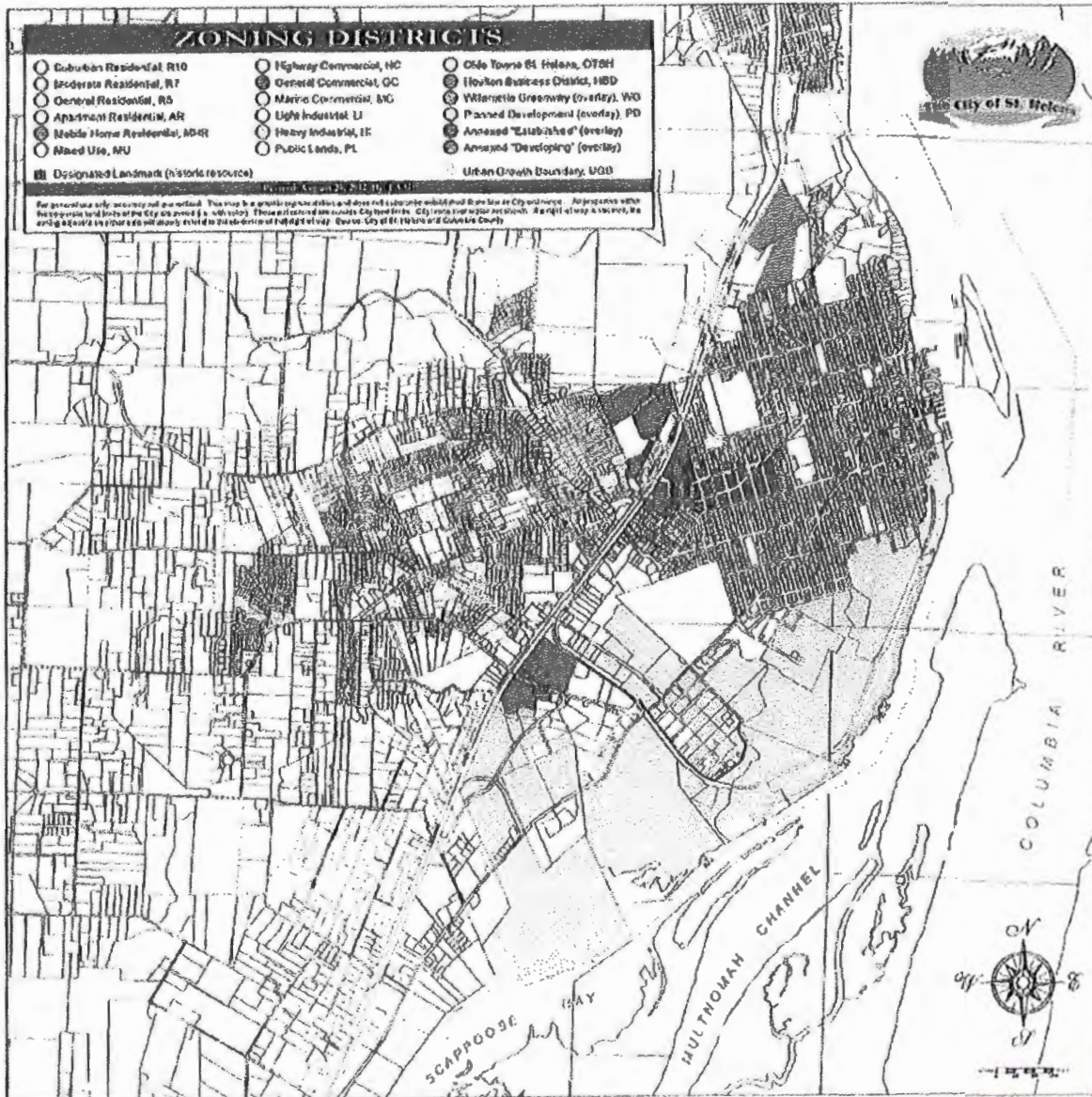
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Exhibit 2

EXHIBIT 2



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APPENDIX IV

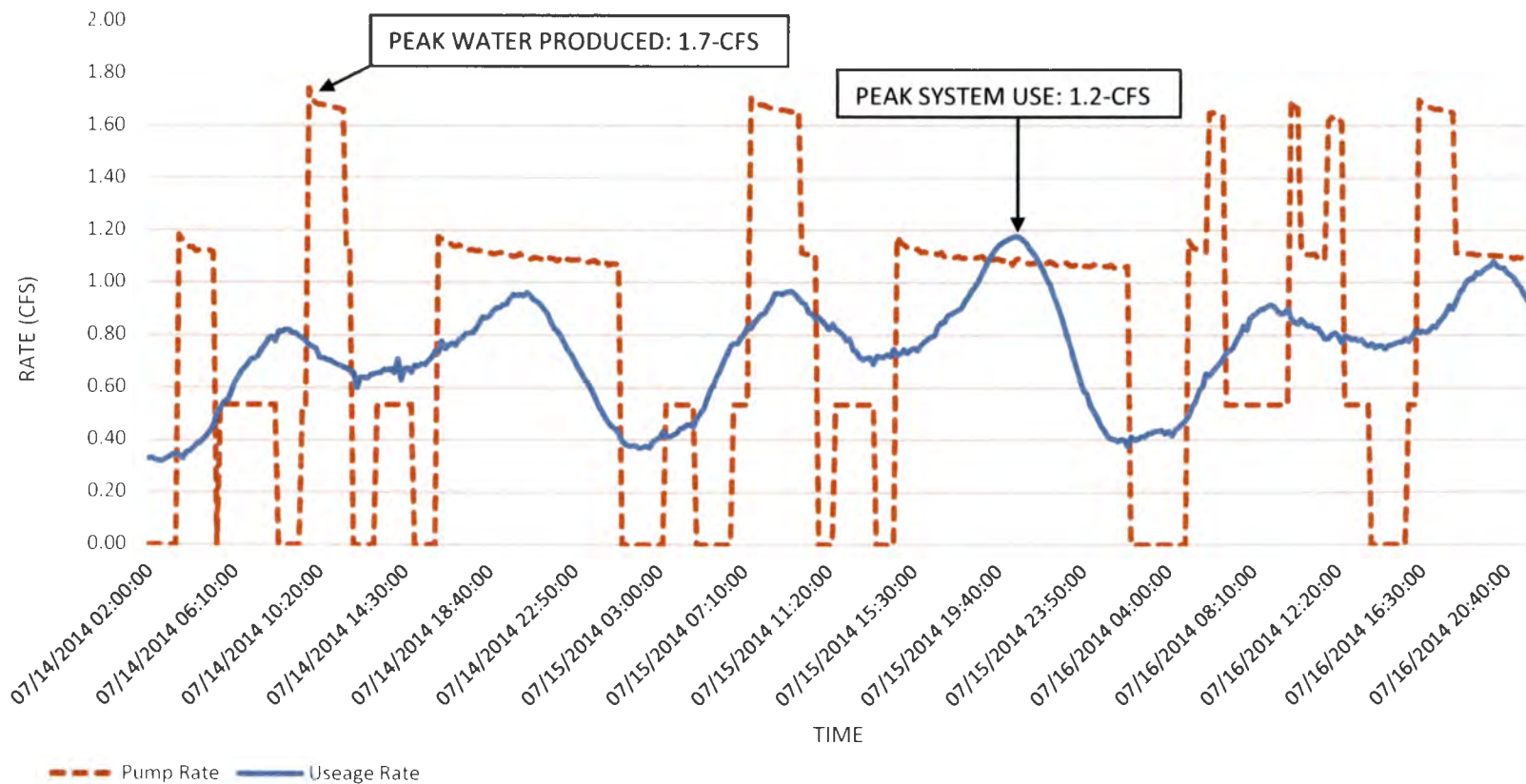
CURRENT PEAK DEMAND REPORT

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McNULTY WATER PUD
WATER PRODUCED AND USAGE RATES
JULY 14-16, 2014



NOTES:

1. Pump rate is the summation of all well pumps in operation at the give time interval.
2. Usage rate is based on the level change in reservoirs (tanks) multiplied by an incremental volume, less the volume of water pumped for system operations (water pumped from lower pressure zone tank to upper pressure zone tank).

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APPENDIX V

POPULATION AND PEAK WATER DEMAND PROJECTIONS (EXCERPT FROM 2007 MASTER WATER PLAN)

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V. WATER DEMAND AND FORECASTED DEMANDS

A. Forecasted Demands

Table V-4 shown below gives the forecasted demands for the McNulty Water PUD for the twenty (20) year planning horizon. The basis of this forecast was the historic system usage, both in terms of total water produced and delivered, as well as the number of connections. Forecasting is a risky task, but twenty-year planning for the system requires a good faith effort. The two great unknowns are population and where that population is going to live. It is well accepted that Oregon and the Metropolitan Portland area are going to increase in population. Also, the politics (land use) of development is presently in flux. An estimate of the future population and density of McNulty PUD is difficult, but the answer given by this plan is shown in Table V-4.

The McNulty System presently has 900 connections and the 2003-2007 data indicates 263,520 gallons per day (gpd) were delivered at an average rate of 183 gallons per minute (gpm) for the average daily demand (ADD). Engineering practice and research have indicated that for most systems a factor of 2.0 times the ADD will give a close estimate of the maximum daily demand (MDD), and using a factor of 1.8 times the MDD provides a close estimate of the peak hourly demand (PHD). This is the demand that the total system must be able to deliver on a hot summer day and also meet local emergencies. In summarizing Table VI-4, the number of connections will rise from 900 in 2007 to 1500 in 2027, and the PHD will rise from 658 gpm to 1,095 gpm in the same period.

EXCERPT FROM 2007 MASTER WATER PLAN
(ADJUSTED TO ACTUAL GROWTH FROM 2007 - 2014)

TABLE V-1

FORECASTED WATER DEMANDS
For
McNULTY WATER PUD

2007 THROUGH 2027

YEAR	2007	2012	2017	2027
Connections	900	1050 927	1200 987	1,500 1,264
Residential	887	985 914	1102 972	1,480 1,245
Commercial	13	15 13	18 15	20 19
Average Annual Water Demand	gpd/gpm 263,000 183	gpd/gpm 366,000 212 204,000	gpd/gpm 350,000 243 288,000	gpd/gpm 438,000 304 370,000
Maximum Daily Demand *	526,000 365	642,000 425 408,000 283	700,000 486 576,000 400	876,000 608 740,000 514
Peak Hour Demand **	946,800 658	1,051,920 760	1,260,000 875	1,576,800 1,094

* (at 2.0 times the annual average)

** (at 1.8 times the maximum daily)

2012 CONNECTIONS AND
AVERAGE ANNUAL WATER
DEMAND ADJUSTED TO
ACTUAL CUSTOMER COUNTS
AND WATER USE.

2017 AND 2027 PROJECTIONS
ADJUSTED TO ALIGN WITH
ACTUAL SYSTEM GROWTH
FROM 2007-2014

**EXCERPT FROM 2007 MASTER WATER PLAN
(ADJUSTED TO ACTUAL GROWTH FROM 2007 - 2014)**

VI. POPULATION

A. Water Services

The population projections used in this report were obtained from the Center for Population Research and Census at Portland State University, Columbia County Land Development, and the records of McNulty Water PUD.

The County is required to establish and maintain a population forecast for the entire area for use by the State of Oregon.

Table VI-1

McNulty Water Services

<u>Year</u>	<u>Connections</u>	<u>Population Served</u>
1964	60	250
1968	183	750
1970	270	1,100
1973	335	1,350
1980	400	1,600
1992	650	2,600
1994	700	2,800
1997	770	3,100
2000	807	3,230
2002	852	3,410
2005	879	3,520
2007	905	3,620
2012	1,050	4,020
2014	917	2,512
2017	1,200	4,800
2027	1,500	6,000
	987	2,705
	1,264	3,463

Columbia County from 2000 to 2007 had an increase of population of 4,005 (9.2%) with major increases in the cities of Scappoose and St. Helens. This area is still appealing to persons employed in Northwest Portland and Washington County because of ease of access to work, minimum traffic, good highway, school districts, and less population.

B. Water Demands

The total water requirements are estimated to increase from 93.9 million gallons per year (average 2000 to 2007) to 159.8 million gallons in 2027. See Table V-1 for the forecasted water demands for the PUD.



APPENDIX VI

LETTER FROM E. TIMOTHY WALLIN RE: PERMIT G-16779

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Oregon
Kate Brown, Governor

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

Richard Lager
McNulty PUD
POB 260
St. Helens, OR 97051

May 27, 2015

Re: Permit G-16779

Dear Mr. Lager:

The Water Resources Department recently received information regarding a real-property transaction and events that have transpired since issuance of water-right Permit G-16779 to McNulty PUD. Specifically, it has come to our attention that information concerning encumbrances, and therefore affected landowners, supplied by the PUD in Application G-17282 was incomplete, resulting in insufficient Departmental notice of the application to all affected landowners.

In late March, I met with Dave and Carol Senter, Don McGilvra, and their attorney Peter Mohr. Upon reviewing real-property documents provided, I was persuaded that, notwithstanding, Application G-17282 did not have accurately describe the status of real-property ownership, and failed to fully disclose known information regarding affected landowners and their interests in the property and in the existing well that the PUD designated in Application G-17282 for abandonment. Given that the information about affected property ownership supplied in the application was wholly incomplete, G-16779 is subject to cancellation (under OAR 690-310-0030(2)). However, rather than initiating cancellation proceedings at this time, the Department hereby encourages the PUD to work cooperatively with the Senters and Mr. McGilvra in a timely manner.

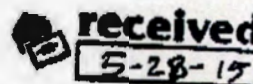
Therefore: 1) the Department recognizes Permit G-16779 as being subject to cancellation; and 2) the Department will maintain such determination until the earlier occurrence of: (a) the Senters' and Mr. McGilvra's submittal to the Department of a fully-executed written agreement with the PUD resolving the parties' dispute, or (b) the Department begins cancellation proceedings for Permit G-16779.

If the Department may be of assistance, please let me know.

E. Timothy Wallin

E. Timothy Wallin PhD RG CWRE
Water Rights Program Manager

cc: Application File G-17282
Peter Mohr, Jordan-Ramis P.C.



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BAMBERGER Machelles A

From: John Christiansen <johnc@aks-eng.com>
Sent: Monday, August 24, 2015 1:18 PM
To: machelles.a.bamberger@state.or.us
Subject: Extension for Quasi-Muni Use Permit G-16779 - Application Amendment
Attachments: 20150824 McNulty P-16779 Ext - Amendment.pdf

Hi Machelles,

The attached document is being submitted as an amendment to the Extension of Time for Quasi-Municipal Water Use for Permit G-16779.

If you have any questions, please call. Thanks

Regards,

John P. Christiansen, PE - Associate



AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 247 | C: 541.231.3242 | F: 503.563.6152 | www.aks-eng.com | johnc@aks-eng.com

Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

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

2015 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, McNulty Water PUD

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

Jeff Anderson – General Manager

NAME OF CONTACT

PO Box 260

ADDRESS

St. Helens

CITY

OR

STATE

97051

ZIP

503-397-1301

PHONE

genmgr@mcnultywaterpud.org

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the permit holder of:

Application Number G-17282

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Permit Number G-16779

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

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do hereby request that the time in which to:

- X 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~~ August 23, 2015, be extended to October 1, 2026.

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~~ August 23, 2015, be extended to October 1, 2027.

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.

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Signature

Date

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SALEM, OREGON**

Before submitting, make sure the following items are included:

- Completed Application for Extension of Time
- Statutory fee of \$575 (ORS 536.050)
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

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MAIL COMPLETED APPLICATION

along with the

\$575 STATUTORY FEE (ORS 536.050) TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

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GENERAL TIPS:

- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a municipal or quasi-municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.
- Water System Master Plan, *if applicable*, per Oregon Health Division.

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- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

Definitions Pertinent to this Application for Extension of Time

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and 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. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A) and (B).

C-Date – the date specified in the permit for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension – *For the 2nd Application for Extension of Time* - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For the 3rd, 4th, or . . . nth Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use by the C-date or the last "extended to" date for complete application of water from the most recent prior extension. (*Oregon Court of Appeals A147071 WaterWatch vs OWRD & City of Cottage Grove, 2013*)

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures).
OAR 690-315-0080(4).

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Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-13. OWRD will use this information to evaluate your Application for Extension of Time.



TIP:

When making a reference to any document, report, and/or plan:

- (1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and
- (2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

1. Submit the appropriate extension of time fee (\$575), as specified under ORS 536.050. If the extension application fee has already been paid, please provide indicate why and when it was paid. The statute for this fee may be viewed at http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors536.html

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

2. For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute. All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.



TIP:

See Definition of "Actual Construction"

Begin Date: _____. Construction of _____ began.
(month/year) (details)

Note: Actual construction has not occurred.

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

3. For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.



TIP:

See definition of "Actual Construction"

Begin Date: _____. Construction of _____ began.
(month/year) (details)

N/A

[OAR 690-315-0070(3)(e) and OAR 690-315-0070(3)(i)]

4. Provide a description of financial expenditures and evidence of actions taken to develop the water right permit within the permitted time period and, if applicable, within the time period of the most recent extension granted. *Present the list in chronological order in Chart-I.*



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

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
5/7/2009	Executed well ownership and easement agreement with owner (Columbia County Doc No 2009-004680)	\$50,000
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.	
8/23/2010	Permit Issued	-
2011	McNulty submits site plan for new well for approval by Oregon Drinking Water Program. Approved by ODWP on 2/18/2011.	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
	Not Applicable	
8/12/2015	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. 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
	None	

- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; a Water Management and Conservation Plan; an alternative long-term water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit. If needed, please contact OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the Application for Extension of Time.

- 5-A) Describe how each condition has been complied with. Include conditions contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.**

CHART-II

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		It is the intent of the permit holder to comply with all permit conditions when applicable.
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** 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
A		The permittee has not installed a totalizing flow meter because the new well had not been constructed at the time of this application.
B		The permittee has not kept record of the amount of water used each month

		because the new well had not been constructed at the time of this application.
C		As described above the totalizing flow meter has not been installed; therefore this condition is not applicable.
D		Not applicable

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

6. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit. Report water use as of the C-Date in the permit, or as of the "extended to" date of the most recent prior extension of time (if any).



TIP: Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water appropriated may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

6-A) For Surface Water Permit Extensions:



TIP: Report in the same units of measurement as specified in the permit. In this section, report only water use made under THIS permit:

Maximum instantaneous rate (as of C-date or prior extension) = _____ cfs, or
(cubic feet per second)

Maximum instantaneous rate (as of C-date or prior extension) = _____ gpm, or
(gallons per minute)

Acre Feet stored as of C-date or prior extension) = _____ AF

6-B) For Ground Water Permit Extensions:



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

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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 this permit only (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.)	
								Permit, Certificate, or Transfer No.	Rate (CFS or GPM)
		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									

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: _____

The proposed well had not been constructed at the time of this application.

Well # _____: Actual location: _____

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

7. Provide an estimate of the current population served under this permit and a description of the methodology(ies) used to make the estimate.

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: The McNulty Water PUD serves an estimated population of 2,451 as of Year: 2013

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Methodology used to estimate current population served: Determined during the development of the Urban Services Agreement between McNulty and the City of St. Helens.

[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: 1.7 cfs as of Year: 2014

Methodology used to estimate current peak demand: The current peak demand was determined from SCADA outputs. Daily total demands from 2007 through 2014 were reviewed to identify the peak day of use. July 15, 2014 was found to have the highest single day use and was further evaluated to determine the peak hourly demand. A copy of the SCADA output is provided as an attachment to this application.

[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.

 TIP: *Such events may include, but are not limited to: the size and scope of the project; financing and/or cash flow issues; local referendums or initiatives; actual growth rates; economic downturns; loss of territory to annexation; water conservation efforts; the need to meet other governmental requirements relating to the project; natural disasters and severe weather; and/or any other events over which the water right permit holder had no control and which delayed development under the permit.*

McNulty and the City of St Helens have been working collaboratively for years to establish responsibility of providing water service where McNulty's service area overlaps the City of St. Helens Urban Growth Boundary (UGB). On 9/23/2013 the Urban Service Agreement Relating to Provision of Water Service was signed between McNulty and the City of St. Helens. Preparing the agreement included a detailed review of McNulty's system including I. Quantity and Quality of

Service, II. Financial Capacity, III. Customer Financial Impact, Rates, Equity and Bills, IV. Operation Capacity, V. Management Capacity, VI. Customer Accountability, and VII. Demographics and Sociological Trends. Generating and assembling this data was a great effort of both personnel and financial resources. This agreement is essential to understanding McNulty's long-term service area, water needs and customer growth projections.

As identified in Application G-17282, McNulty has been developing an Aquifer Storage and Recovery System (ASR). On 2/8/2010 McNulty received ASR Limited License #015. Since that time McNulty has focused their efforts and made significant financial investments in licensing the ASR. On 4/2/2015 ASR Permit Application #002 was deemed complete by OWRD and is pending Final Order. Approval of the ASR is a critical step in comprehending how water rights associated with Permit # G-16779 will be integrated into the overall system.

From 2008 through 2014 customer growth curtailed in large part due to the global economic recession and decline in the local housing market. The limited growth lead to decreased income from system development charges which support capital improvements such as the development of the well pursuant to Permit G-16779. Given the financial stress of the time, McNulty's board did not see it prudent to direct funds to capital improvements.

It has recently come to the attention of McNulty that existing well and associated easement purchased by McNulty to support Permit G-16779, was subject to a private water system agreement between the original owner and two adjacent properties. This agreement was not disclosed by the property owner at the time of the purchase and agreement with McNulty. McNulty is currently working with the two other parties who have interest in the well to establish an agreement for water service. OWRD was notified of this matter as documented in a letter by E. Timothy Wallin, dated May 27, 2015.

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

- 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.

In developing your estimated demand projections for the permit being extended, you should include the following items:

Inventory of Water Rights Held

List all water rights held, including this permit, currently held by the permit holder. Use the format shown in "Attachment A" (see last page of this Application for Extension of Time). A link to the Water Rights Information System (WRIS), accessed through OWRD's website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> may be a helpful source for compiling this information.

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Use the "Use Limitations" column to identify and explain why any water right is not currently utilized to meet current peak water demands, or which is used only in a limited capacity.



TIP: Use limitations include any factors affecting the use of a water right, such as: used for system redundancy; used for emergency back-up water supply; climate patterns or turbidity result in seasonal unavailability; not used due to water quantity issues, etc.

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.

None

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: 2.5%

Projected Population: 3,463 as of Year: 2027

Methodology used to estimate projected population and population growth rate: Population projections were developed in conjunction with the 2007 Master Water Plan. A copy of the growth projections is provided as an attachment to this application. McNulty saw steady growth in customer basis through 2007. From 2008 through 2014 growth curtailed in large part due to the global economic recession and decline in the local housing market. As of 2014 McNulty had 917 service connections. Growth projections from the 2007 Master Water Plan were adjusted to align with actual growth realized through 2014. McNulty has seen a positive increase in service requests thus far through 2015 and is optimistic of future growth with the district.

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: 2.06 cfs as of Year: 2027

Methodology used to estimate peak water demand: Projected Peak Water Demands were determined in conjunction with the 2007 Master Water Plan. A copy of the projected peak water demand is provided as an attachment to this application. Water Demand projections were adjusted to account for actual growth realized through 2014.

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.

As a water utility provider for a rural community, defining areas for potential growth and system expansion can be challenging. McNulty is continually looking for opportunities to expand their service area and add customers within their current service area. The PUD service area is generally comprised of Rural Residential 2 (RR2), Rural Residential 5 (RR5), Forest Agricultural (FA-80), Primary Agriculture (PA-80), and Primary Forest (PF-80). The RR2 and RR5 zones are centrally located within McNulty's current service area. Many of the RR2 and RR5 properties remain underdeveloped and are anticipated to experience in-fill development. Development in the RR2 and RR5 zones will bring new residential customers to McNulty and increase system demands.

While the Urban Service Agreement was a critical step in evaluating potential losses in customers to the City of St Helens and growth limitations on the southeasterly portions of the PUD, the water system master plan has not been updated to account for these changes. McNulty anticipates developing an update to the water system master plan during the time of the requested extension. The master plan update will further address areas of potential growth and future water demands.

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, 2027**

[OAR 690-315-0070(3)(1)]

- 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.

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TIP:

If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses 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.

The applicant is not requesting an extension for greater than 50 years.

[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.

CHART-V

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST
2025-026	12"x10" Well construction, (>200-ft but <500-ft depth), pump, controls, & structure.	\$250,000
2026-2027	Extend 8" transmission main from well site to existing system in Robinette Road (4,100-LF).	\$410,000
Year: 2027	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Estimated Total Cost to Complete Development		\$660,000

[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.

The Urban Services Agreement with the City of St. Helens and the pending approval the ASR License #002, constitute two major components of the framework for a water system master plan update. The time requested to complete the well construction and full beneficial use will allow McNulty evaluate population and system demand projections, develop a water system master plan update, as well as determine how to best integrate the Permit G-16779 water into the water system.

The Urban Services Agreement and ASR both weighed a heavy financial burden on the PUD. McNulty's primary source of income is water sales and the board members take great pride in operating the PUD free of debit. The additional time requested will also allow for funds to be generated to support the construction of the new well per Permit G-16779 and transmission main extension.

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

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

McNulty's Water Management and Conservation Plan was approved by OWRD September 7, 2001. McNulty is currently in the process of updating the WMCP and anticipates completion within the 2015 calendar year.

[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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SALEM, OREGON

Water Rights Inventory for (Name of Entity) **McNulty Water PUD**

(List of All Permits, Permit Amendments, Certificates, Transfers, New Applications)

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	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date ²	Notes or Limitations to water use ³
									Maximum Instantaneous Rate Diverted to Date (cfs)		
G1565	G1447	8/25/1959	57888 •	T-3362	Well	Stone#1	Com/Dom	0.04	-	10/1/1962	Stone Well#1 currently yields sand and silt when pumped in excess of 0.11 cfs. The maximum diversion rate is a limit of pumping capacity. This well is in reserve for emergency use.
G7255	G6977	2/11/1976	58654 •		Well	Stone#1	Quasi Muni	0.04	0.04	10/1/1979	
G9782	G9542	1/18/1982	58655 •		Well	Stone#1	Quasi Muni	1.0	0.55	10/1/1984	
G10661	G9812	2/23/1982	61176 •		Well	Millard#1 and #2	Quasi Muni	1.0	0.71	10/1/1984	Actual diversion rate is limited by the combined pumping capacity of Millard wells #1 and #2.
G4691	G8026	11/20/1968	65072 90858	T-11498	Well	Blaha#1 and #2	Quasi Muni	0.6	0.55	10/1/2015	Actual diversion rate is limited by well pumping capacity
G17282	G16779	11/4/2009			Well	McGilvra#2	Quasi Muni	1.0	-	8/23/2015	
G13717	G12834	6/17/1994	87258		Well	Stone#2	Quasi Muni	0.56	0.55	10/1/1999	
G15279	G15227	1/2/2001	87259		Well	Robinettes#2	Quasi Muni	0.78	0.55	10/1/2007	Well has been developed into ASR pending AL15
AL15					Cert Nos. 87258, 58654, 58655, 61176, and T-11498	ASR	Quasi Muni	0.89		Draft PFO 8/18/2015	8,000,000-gal storage injected and withdrawn through Robinette#2

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 specified in the permit or on the last extension Final Order).

³ If a particular water right certificate, permit, or transfer is not being utilized to meet current demands, or its use is somehow limited due to quality, seasonal, etc. limitations, or if a the actual diversion rate is less than a certificated rate, please explain why.

WRAD

Application for Extension of Time
For Municipal and Quasi-Municipal Water Use Permits
Page 17 of 18

Last Revised: 2/4/2014

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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	Rate identified in water right (cfs or AF)	Actual Diversion	Authorized Completion Date	Notes or Limitations to water use
									Maximum Instantaneous Rate Diverted to Date (cfs)		

Pending New Water Right Applications

Application No.	Priority Date	Source	Proposed Use	Proposed Rate

Attachment "A"
For Extension of Time Application

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

In the Matter of Aquifer Storage and)
Recovery (ASR) Permit Application #002)
Columbia County

PROPOSED FINAL ORDER

Summary of Recommendation

The Department recommends that the application be approved as conditioned in the attached draft permit.

Authority

Oregon Revised Statutes (ORS) 537 and Oregon Administrative Rules (OAR) 690-350 establish the process by which an application for an ASR permit may be submitted and evaluated by the Department.

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

- recommendations by other state agencies
- any applicable comprehensive plan or zoning ordinance
- the results of testing under an ASR limited license
- the rates and volume of the proposed use
- the water rights and water quality of existing users of the aquifer and source water
- provisions of any critical ground water areas
- the water right for injection source water
- applicable statutes, administrative rules, and case law
- the pre-application conference
- any comments received

Findings of Fact

1. On June 5, 2014, McNulty Water People's Utility District submitted an application for an ASR permit:

Maximum Diversion Rate:	0.89 cubic feet per second (400 gpm)
Maximum Injection Rate:	400 gallons per minute
Maximum Storage Volume:	8 million gallons
Maximum Withdrawal Rate:	400 gallons per minute
Maximum Storage Duration:	Ongoing
Injection Source Water:	5 wells identified in Certificates 87258, 58654, 58655, 61176 and Transfer 11498
ASR Injection Well Location:	T9S/R40E, Section 19, NW1/4 SE1/4
2. On June 5, 2014, the McNulty Water People's Utility District submitted an application to the Department for an aquifer storage and recovery (ASR) permit. It was determined incomplete on September 19, 2014, resubmitted on December 19, 2014, and determined incomplete again on January 28, 2015. On March 31, 2015 the McNulty Water People's Utility District resubmitted the application, and the Department determined it was complete on April 2, 2015.
3. On April 7, 2015, the Department provided public notice of the application in the Department's weekly notice, thereby initiating a 60-day comment period. The notice included a request for comments and information about obtaining future notices or a copy of the Proposed Final Order.
4. The ASR permit application referenced Certificates 87258, 58654, 58655, 61176 and Transfer 11498 as injection source water for the proposed ASR permit.

5. McNulty Water People's Utility District conducted ASR testing under ASR Limited License #015 during water years 2010 through 2013.
6. McNulty Water People's Utility District has submitted results of ASR testing in annual reports and a summary of testing in the ASR permit application.
7. The application seeks year-round access to injection source water on the basis of the year-round diversion period allowed by the source base water rights.
8. The Department requested comments on the application from the Oregon Departments of Environmental Quality and Oregon Health Authority (Drinking Water Program). The attached draft permit is conditioned to address concerns raised in those comments.

Conclusions of Law

Under the provisions of ORS 537.534 and OAR 690-350-0030, the Director may issue an ASR permit with proper conditions, if the proposed use will not impair or be detrimental to the public interest and there is a water right for injection source water.

1. The ASR permit application is supported by test results under ASR Limited License #015.
2. Permit conditioning can reasonably address requirements in rule, the concerns of commenters, and, otherwise protect the public welfare, safety, and health.
3. The proposed use complies with requirements of the State Agency Coordination Program regarding land use.
4. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
5. Certificates 87258, 58654, 58655, 61176 and Transfer 11498 are the source water rights for the proposed ASR project.

Recommendation

The Department recommends that ASR Permit Application #002 be approved, and the attached draft permit be issued as limited by the conditions contained therein.

Dated at Salem, Oregon on August 18, 2015.



for Thomas M. Byler, Director
Water Resources Department

Protests

Under the provisions of ORS 537.621(8), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than October 6, 2015, be in writing, and include the following:

1. Your name, address, and telephone number;
2. A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
3. A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
4. A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
5. Any citation of legal authority to support your protest, if known.
6. If you are not the applicant, the protest fee of \$350 required by ORS 536.050, and proof of service of the protest upon the applicant.
7. If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
8. If you do not protest this Proposed Final Order, and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than October 6, 2015, be in writing, and include the following:

1. The requester's name, mailing address and telephone number;
2. If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
3. A statement that the requester supports the Proposed Final Order as issued;
4. A detailed statement of how the requester would be harmed if the Proposed Final Order is modified.
5. A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted, along with a request for intervention.

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

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

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

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

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON
COUNTY OF COLUMBIA

DRAFT PERMIT FOR AQUIFER STORAGE AND RECOVERY (ASR)

THIS ASR PERMIT IS HEREBY ISSUED TO:

McNulty Water People's Utility District
c/o Jeff Anderson
P.O. Box 260
St. Helens, OR 97051

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

APPLICATION FILE NUMBER: ASR PERMIT #002

PREVIOUS ASR TESTING AUTHORIZATION: ASR LIMITED LICENSE #015

SOURCE OF WATER: 4 WELLS AUTHORIZED UNDER CERTIFICATES 87258, 58654, 58655, 61176, AND TRANSFER 11498

POINTS OF DIVERSION:

STONE ROAD WELL 2 - (COLU 821): SE ¼ NW ¼, SECTION 13, T4N, R2W, W.M.; 359 FEET NORTH & 751 FEET WEST FROM CENTER 1/4 CORNER, SECTION 13

STONE ROAD WELL 1 - SHALLOW (COLU 3486/COLU 811): SE ¼ NW ¼, SECTION 13, T4N, R2W, W.M.; 2277 FEET SOUTH & 1881 FEET EAST FROM NW CORNER, SECTION 13

MILLARD WELL (COLU 3274): SW ¼ SW ¼, SECTION 7, T4N, R1W, W.M.; 1255 FEET NORTH & 1210 FEET EAST FROM SW CORNER, SECTION 7

BLAHA WELL 1- (COLU 3480): SW ¼ SE ¼, SECTION 12, T4N, R2W, W.M.; N 79 DEGREES WEST 2610 FEET FROM SE CORNER, SECTION 12

BLAHA WELL 2 - (COLU 53430): SW ¼ SE ¼, SECTION 12, T4N, R2W, W.M.; 616.14 FEET NORTH & 158.96 FEET EAST FROM THE S ¼ CORNER OF SECTION 12

ASR WELL LOCATION:

ROBINETTE (ASR) WELL (COLU 51275): SE ¼ SE ¼, SECTION 25, T5N, R2W, W.M.; 523 FEET NORTH & 54 FEET WEST FROM SE CORNER SECTION 25

MAXIMUM DIVERSION RATE: 0.89 CUBIC FEET PER SECOND (400 GPM)

MAXIMUM INJECTION RATE: 0.89 CUBIC FEET PER SECOND (400 GPM) AT THE ROBINETTE (ASR) WELL

MAXIMUM VOLUME OF STORAGE: 8 MILLION GALLONS

MAXIMUM WITHDRAWAL RATE: 0.89 CUBIC FEET PER SECOND (400 GPM) OF STORED WATER THROUGH THE ROBINETTE (ASR) WELL

MAXIMUM STORAGE DURATION: ONGOING

This ASR permit is issued with the following conditions:

1) Record of Use. The permittee shall maintain a record of injection and recovery, including the total number of hours of injection and recovery and the total metered quantity injected and recovered. The record of use may be reviewed by Department staff upon request.

2) Modification/Revocation. The Department shall notify the permittee in writing and allow the permittee to respond when considering the following actions:

(A) The Department may modify the ASR permit for any of the following reasons:

(i) to reflect changes in Oregon Health Authority (OHA, formerly DHS) and Oregon Department of Environmental Quality (DEQ) water quality or treatment standards;

(ii) to address needed technological changes as requested by OHA or DEQ to minimize constituents regulated under OAR 333-061-0030 (ORS 448.131 and 448.273) or OAR 340-40 (ORS 468B.165);

(iii) upon written request from the permittee for minor adjustments to the authorization in the permit.

(iv) upon written request from the permittee for changes to the limits for the recovery of stored water. Any person operating an ASR project under a permit, upon approval by the Director, may recover up to 100 percent of the water stored in the aquifer storage facility if valid scientific data gathered during operations under the limited license or permit demonstrate that the injected source water is not lost through migration or other means and that ground water otherwise present in the aquifer has not been lost irretrievably as a result of aquifer storage or recovery.

(B) The Director may revoke or modify the ASR permit for any of the following reasons:

(i) to prevent or mitigate substantial interference with other water rights, minimum perennial streamflows established prior to the granting of the ASR permit, or aquifer water quality; or

(ii) to address any other unintended, injurious effects of the ASR activity.

(C) The Department shall offer an additional public comment opportunity consistent with the notice and comment provisions of OAR 690-350-020 prior to modifying the permit.

3) Compliance with Other Laws. The injection of acceptable water into the aquifer, as well as its storage and recovery under this permit, shall comply with all applicable local, state or federal laws. This shall include but not be limited to compliance with the DEQ Underground Injection Control registration program as authorized under the Safe Drinking Water Act (40 CFR 144.26). Also, discharges to waterways must be in compliance with all DEQ requirements.

4) Water Quality Conditions and Limits:

(A) The permittee shall minimize, to the extent technically feasible, practical and cost-effective, the concentration of constituents in the injection source water that are not naturally present in the aquifer;

(B) Except as otherwise provided in (C) of this condition, if the injection source water contains constituents regulated under OAR 333-61-030 (ORS 448.131 and .273) or OAR 340-40 (ORS 468B.165) that are detected at greater than 50 percent of the established levels (MCLs or MMLs in the cited rules), the permittee shall employ technically feasible, practical and cost-effective methods to minimize concentrations of such constituents in the injection source water;

(C) Constituents that have a secondary contaminant level or constituents that are associated with disinfection of the injection source water may be injected into the aquifer up to the standards established under OAR 333-061-030 (ORS 448.131 and .273);

(D) The Department may, based upon valid scientific data, further limit certain constituents in the injection source water if the Department finds that those constituents will interfere with or pose a threat to the maintenance of the water resources of the state for present or future beneficial uses;

(E) The permittee shall be in compliance with treatment requirements and performance standards for source water that fall in categories identified in OAR 333-061-0032;

(F) If during the course of ASR operations, a constituent which is regulated under OAR 333-61-030 (ORS 448.131 and .273) or OAR 340-40 (ORS 468B.165) is detected above the 50 percent level prescribed in condition (4)(B) or the 100 percent level prescribed in condition (4)(C), the permittee shall immediately stop injection activities upon receipt of lab data and notify the Department within five days.

5) Water Quality Sampling.

(A) Injection Water. The permittee shall sample and analyze injection source water for the constituents and frequency required by Oregon Health Authority Drinking Water Program (OHA) for community drinking water systems. The permittee shall follow the source water quality testing plan, and sample and analyze for landfill-related constituents as described in the Quality Assurance & Quality Control Plan of the ASR permit application (dated March 30, 2015). Modifications to this plan may be proposed to the Department in writing for review, approval or denial.

(B) Withdrawal of Stored Water. The permittee shall sample and analyze water withdrawn from storage for the constituents and frequency required by OHA for community drinking water systems.

6) Water Level Monitoring.

(A) The licensee shall monitor water levels in wells in the manner described in the approved ASR water level monitoring plan.

(B) Transducer and airline data shall be verified and corrected with quarterly manual measurements if an e-tape can be lowered past obstructions to the water level. In the event a

pump is pulled, wells shall be equipped with an unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200.

7) Recovery. The availability of stored water for recovery is based on the following factors:

(A) Available stored water is determined on a well-by-well basis in a storage account. The permittee may recover up to 95 percent of the quantity injected under this permit during the water year that the water was injected. After that water year, the availability of stored water shall be further diminished each water year such that the permittee may only recover up to 95 percent of any water year-to-water year storage carryover. (For example, water year 2015 lasts from October 1, 2014 through September 30, 2015.)

(B) Any water withdrawn from the ASR well identified in this permit shall be debited against the quantity available in the aquifer by virtue of ASR storage or considered a draft on natural groundwater under existing groundwater rights. Simultaneous withdrawals of natural groundwater and stored water may occur, but at no time shall the total withdrawal rate exceed that which is authorized in this limited license. The licensee shall report monthly amounts debited against the ASR storage account and the amount of natural groundwater withdrawn. This limited license does not authorize withdrawal of more water than was available from injection. In the event that static water levels at project wells drop below pre-ASR groundwater elevations or other unforeseen issues occur, the Department may review, modify or revoke this condition and re-evaluate the storage account balance.

(C) The availability of stored water is a running account that is subject to determination at any time.

8) Annual Reporting.

(A) Except as otherwise noted, the permittee shall provide the Department a written report of the results of ASR operations for each water year by February 15th of the following water year. The first report shall be due in 2016 and include results from water year 2015. The report shall detail the several kinds of data collected during the water year (including water quality results), account for the injection of stored water, withdrawals of stored and natural water, and the new-year carryover storage at each well. The first report shall include any partial-year results under ASR Limited License #015 and the testing and monitoring described in the ASR permit application. In addition to any graphical or tabular reporting, the City shall report past and future water level data digitally in a format specified by the Department. Annual reports shall include water quality data analysis and interpretation that shall be sealed and signed by a professional(s) registered or allowed, under Oregon law, to practice geology.

(B) As pertinent, annual reporting shall include the formatting and additional information cited in Condition 9 below.

9) Special Reporting Condition. The licensee shall provide the following information to the Department:

A) Submission of any and all hydrogeologic data collected and reports developed for the project, including but not limited to cuttings analysis, video logs, geophysical logs, aquifer tests and step tests.

(B) Submission of digital water level data for all ASR wells and any other wells measured in conjunction with the project (in a Department specified format), including annual report data.

(C) Submission of annual reports with locations and elevations for all project wells and locations and elevations for all non-project wells that have been used for collecting water levels or other data pertinent to the project (in a Department specified format).

(D) Notification in the annual report of any changes in well construction to the ASR permit file.

(E) Associating all project well data with the Department Well Identification Number (Well ID Number), the Department Well Log ID, if available, and the project Well Name.

10) Protection for Existing Water Users. In the event of conflicts with existing appropriators, the licensee shall conduct all testing so as to mitigate the injurious effects. In addition, the licensee shall cooperate with the efforts of the Department to protect existing water rights and the water quality of existing users that rely upon the receiving aquifer and the injection source water.

11) Use of Recovered Water. The licensee shall use any recovered water for the purposes described in the base water rights that authorize diversion.

12) Additional Conditions on an Informal Basis. The Department may suggest additional conditions to the permittee. Provided that those conditions are agreed to and undertaken by the permittee, the Department may forego formal changes to this permit. This informal process does not extend to obligation reductions.

13) Other Measures. The permittee shall take any additional measures appropriate to address ASR-related issues of landslide activation, seepage, streamflow increases, aquifer boundary determination, aquifer storage efficiency, and water quality protection.

Issued ____, 2015

DRAFT NOT A PERMIT

for Thomas M. Byler, Director
Water Resources Department

T4N R1W, T4N R2W, T5N R1W, T5N R2W, W.
COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

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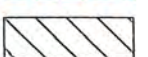
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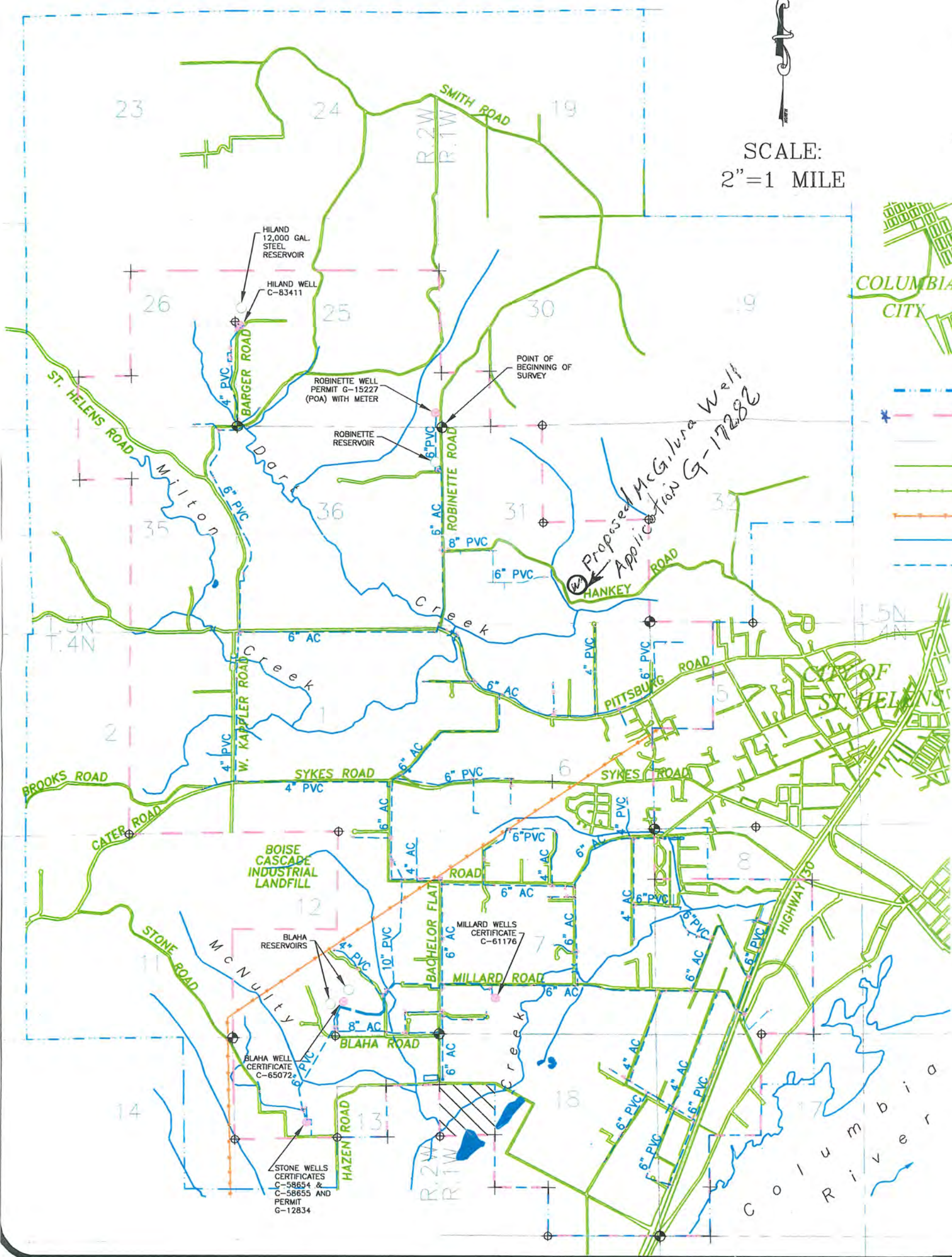
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STATE OF OREGON
COUNTY OF COLUMBIA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
PO BOX 260
SAINT HELENS, OR 97051

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

APPLICATION FILE NUMBER: G-17282

SOURCE OF WATER: WELL MCGILVRA #2 IN MILTON CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

RECEIVED BY OWRD

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

AUG 19 2015

PERIOD OF USE: YEAR ROUND

SALEM, OR

DATE OF PRIORITY: NOVEMBER 4, 2009

WELL LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS: WITHIN THE SERVICE BOUNDARY OF THE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow 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.

- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification

AUG 19 2015

SALEM, OR

PAGE 3

as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).

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

The well shall produce ground water from no shallower than 125.0 feet below land surface.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

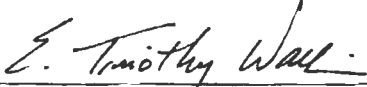
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

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

Issued August 23, 2010


for Phillip C. Ward, Director
Water Resources Department

RECEIVED BY OWRD

AUG 19 2015

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

June 7, 2016

Cable Huston LLP
Clark Balfour / Nicole Swift
1001 SW Fifth Avenue, Ste. 2000
Portland, OR 97204

Re: Receipt of protest on Extension Application for Permit G-16779 (Application G-17282);
McNulty Water PUD

Dear Mr. Balfour and Ms. Swift,

Enclosed is receipt #120032 for check #102686 in the amount of \$350.00 in payment of the fee to file the protest to the Proposed Final Order on Extension Application for Permit G-16779. I will review the protest and contact you regarding the concerns raised. The protest requests a contested case hearing. I will prepare the referral documents for a hearing. However, in the meantime, if it is possible to resolve the issues raised in the protest a settlement agreement may eliminate the requirement to hold a hearing.

Please contact me directly with any questions.

Sincerely,

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



CABLE HUSTON LLP

NICOLE M. SWIFT

nswift@cablehuston.com

June 3, 2016

VIA HAND DELIVERY & FAX

Oregon Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

Re: *Protest and Request for a Contested Case Hearing*

To Whom it May Concern:

Enclosed for submission is McNulty Water District PUD's Protest and Request for a Contested Case Hearing, along with supporting documentation and the \$350.00 filing fee. Please do not hesitate to contact me by phone at 503-224-3092 or e-mail at nswift@cablehuston.com with any questions.

Thank you for your consideration of this matter.

Sincerely,


Nicole M. Swift

NS:rr

Enclosures

RECEIVED BY OWRD

JUN 03 2016

SALEM, OR

BAMBERGER Machele A

From: Peter Mohr <peter.mohr@jordanramis.com>
Sent: Thursday, September 03, 2015 5:58 PM
To: BAMBERGER Machele A
Subject: Sept. 1 2015 Public Notice / Request for Copy of Application for Extension of Time [IWOV-Worksite.FID1745725]

Machele,

Could you please contact me concerning the Application for Extension of Time filed by the McNulty Water Peoples Utility District regarding Permit G-16779 (as confirmed under the Departments Public Notice dated September 1, 2015).

Thank you.

Peter

PETER MOHR Attorney
Jordan Ramis PC Attorneys at Law
Direct: 503-598-5529 Main: 503-598-7070

Portland OR Vancouver WA Bend OR
www.jordanramis.com



Oregon

Kate Brown, Governor

Water Resources Department

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

September 1, 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-17282 (Permit G-16779)**. 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 Machel Bamberger at (503) 986-0802. 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.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 117574

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

INVOICE # _____

RECEIVED FROM: Jordan Ramis PC

BY: _____

APPLICATION	617282
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# ☒ 110413 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 25.00

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) \$ 25.00
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 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: 117574

DATED: 10-1-15 BY: Main Book

Invoice #	Invoice Date	Description	Amount
10210/74180	10/1/2015	Sender/McNulty	\$25.00

RECEIVED**OCT 01 2015****OWRD**

Remittance For: Oregon Water Resources Department Date: 10/1/2015

BAMBERGER Machelie A

From: Peter Mohr <peter.mohr@jordanramis.com>
Sent: Thursday, October 01, 2015 5:16 PM
To: 'BAMBERGER Machelie A'
Subject: McNulty Water PUD Applic for Ext. of Time for Permit 16779 [IWOV-Worksite.FID1820088]

Machelie,

There is a typo in my comments submitted to you earlier today regarding the above-referenced application that I wanted to bring to your attention. More specifically, reference is made to "Clatsop County" in the first full paragraph at the top of page 4 when the correct reference should be to "Columbia County."

Please feel free to contact me with any comments or questions.

Regards,

Peter

PETER MOHR Attorney
Jordan Ramis PC Attorneys at Law
Direct: 503-598-5529 Main: 503-598-7070

Portland OR Vancouver WA Bend OR

WALLIN E Timothy

From: Peter Mohr <peter.mohr@jordanramis.com>
Sent: Thursday, January 28, 2016 7:54 AM
To: WALLIN E Timothy; MCCARTY Patricia E
Subject: RE: McNulty PUD Permit Application and Permit Disregarding Senter/McGilvra Real Property Interests [IWOV-Worksite.FID1745725]

Follow Up Flag: Follow up
Flag Status: Flagged

Tim and Patricia,

Could we please set a time to discuss next week.

Thanks.

P

PETER D. MOHR | Shareholder
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5529 Main: 503-598-7070

From: Peter Mohr [<mailto:peter.mohr@jordanramis.com>]
Sent: Friday, January 08, 2016 6:12 PM
To: Timothy Wallin (wallinte@wrdd.state.or.us); Patricia McCarty (patricia.e.mccarty@wrdd.state.or.us)
Subject: McNulty PUD Permit Application and Permit Disregarding Senter/McGilvra Real Property Interests

Tim and Patricia,

As you may recall, during our phone call in October, we had discussed the existing facts surrounding the McNulty PUD's unauthorized and summary disconnection of the Senters' and Mr. McGilvra's water line to the existing well which the PUD unilaterally intends to abandon in recognition of OWRD's issuance of permit G-16779. We of course discussed the legal and factual implications of the PUD's conduct relative to the applicability of OAR 690-310-0030(2). More specifically, we discussed whether such provision compels cancellation of the PUD's permit based on the PUD's intentional submittal of its permit application with full knowledge that any such completion of a new well would illegally interfere with and therefore illegally disregard the Senters' and Mr. McGilvra's recorded interests in real property (as well as their recorded interests in the existing well itself and the water supply to be derived therefrom), all as appurtenances to their individual residences.

In recognition of that discussion, and as further evidence of how the application as submitted – and the permit, as issued – unlawfully dismisses and encumbers the Senters' and Mr. McGilvra's interests in land, *please see the attached survey*. Once you have had the opportunity to review the survey, please contact me to discuss.

Thanks.

P

PETER D. MOHR | Shareholder
Jordan Ramis PC | Attorneys at Law
Direct: 503-598-5529 Main: 503-598-7070

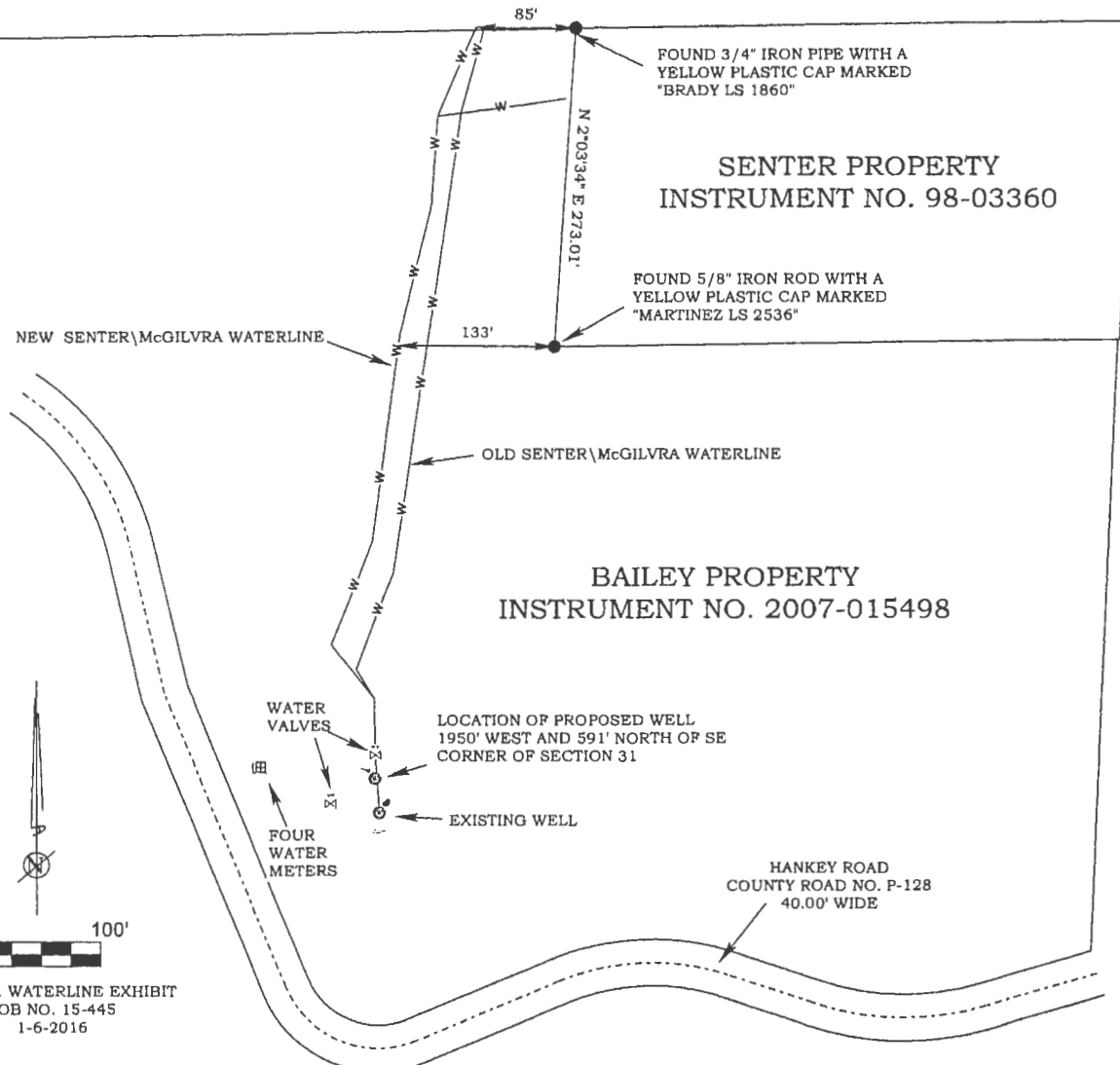
Portland OR | Vancouver WA | Bend OR
www.jordanramis.com

EXHIBIT FOR
DAVID SENTER
IN THE SE 1/4 OF SECTION 31,
T5N, R1W, W.M.
COLUMBIA COUNTY, OREGON
SCALE 1" = 100'

NOTE

--THE LOCATION OF THE PROPOSED WELL IS BASED ON WATER USE PERMIT APPLICATION MAP PREPARED BY JOHN BORDEN CONSULTING. OREGON WATER RESOURCES DEPARTMENT RECEIVED DATE STAMP NOV 04 2009.

--I CALCULATED THE LOCATION OF THE SOUTHEAST CORNER OF SECTION 31, USING LOCAL CONTROL FROM COUNTY SURVEY NO. 5980 AND THE RECORD DATA FROM CS NO. 3751. I THEN HELD A TRUE BEARING BASED ON GPS CONTROL USING A CONVERGENCE ANGLE OF -1°39'49" AT A LATITUDE OF 45°52'26.1"N AND LONGITUDE OF 122°50'45.0" W SAID POINT IS MONUMENT NUMBER 92 FROM COUNTY SURVEY 5980.



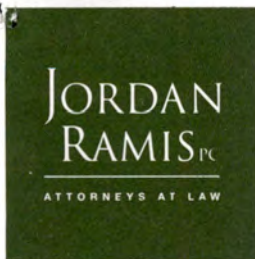
K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 428-6115

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Donald D. Wallace, Jr.
OREGON

JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWAL DATE 6/30/16

**Lake Oswego**

Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver

1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend

360 SW Bond St., Suite 510
Bend, OR 97702
541-550-7900

HAND DELIVERED

October 1, 2015

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Machelle A. Bamberger
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271

Re: **McNulty Water PUD Application for Extension of Time for Permit G-16779**
Our File No. 52545-74180

Dear Ms. Bamberger:

On behalf of David and Carol Senter and Don McGilvra (collectively "Senter-McGilvra"), we submit this letter to provide public comments in response to the Application for Extension of Time filed by the McNulty Water Peoples Utility District ("Applicant") on or about August 19, 2015 (the "Original Application"), which submittal was then supplemented by an amended application filed on or about August 24, 2015 (the "Amended Application"). These comments are timely filed pursuant to the Oregon Water Resources Department's ("Department") Public Notice of Water Use Requests dated September 1, 2015 and OAR 690-315-0050(1).

Pursuant to OAR 690-315-0050(1), Senter-McGilvra submits the following comments in opposition to the Applicant's request for an extension of time for Permit G-16779 (the "Permit") under the Original Application and the Amended Application (collectively, the "Application").

As previously brought to the Department's attention under our correspondence dated March 31, 2015, a copy of which is attached hereto and incorporated herein as *Appendix A*, Mr. and Mrs. Senter and Mr. McGilvra own lawfully established interests in the Well, which was additionally identified as such in the underlying permit application G-17281 (the "Well"), and specified amounts of groundwater to be withdrawn from the same. These interests were recorded in the real property records against the property upon which the Well is located, the well itself, and the water to be appropriated from said well more than thirty years ago. See *Appendix A*, p. 1 – 2. Hence, the Senter-McGilvra interests in the Well, access to and use of the same, and the right to appropriate water from the well were confirmed of public record long before the Applicant, in 2009 and with actual and constructive notice of the Senter-McGilvra interests, took title to the Well and a related easement on and across the same property upon which the Well is located. While the Senters and Mr. McGilvra never received notice of the Applicant's permit application G-17282 when filed in November 2009, nor were they given any notice by the Applicant when it chose to summarily disconnect their water lines from the Well to then connect them, again without notice, to the Applicant's water supply system. Senter-McGilvra have never consented to the Applicant's unauthorized conduct in cutting off their water supply nor have they ever consented to the Applicant's subsequent and repeated attempts to compel them to sign water service contracts and otherwise pay for Applicant's provision of water service.

Machelle A. Bamberger
October 1, 2015
Page 2

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Senter-McGilvra object to any approval of this extension not only as matter of fact and law, but also for reasons that any approval of the Application would set a damaging precedent. Any approval by the Department would provide an avenue by which entities such as the Applicant may summarily deny third parties their lawfully established interests in their own water supply systems as a means to compel them to secure water service. Entities such as the Applicant of course do not enjoy such legal authority, nor are there any circumstance under which such discretionary authority could be construed to exist. For these and additional reasons briefly discussed below, Senter-McGilvra request that the Application receive no further action and be returned to the Applicant for lack of possessing a valid permit or, in the alternative, be denied.

1. The Permit is subject to cancellation as a matter of law and therefore the Permit has no further force or effect and the application should be returned for failure to possess a permit.

The Permit is subject to cancellation for reasons as further confirmed under the Department's letters to the Applicants dated May 26, 2015 and May 27, 2015, copies of which are attached hereto as *Appendix B-1 and B-2*. Since the Permit is subject to cancellation, the Application can only be considered moot as a matter of law, should assume no further force and effect, and therefore should be returned or, in the alternative, denied. However, should the Department determine that, because it has yet to issue a final order confirming the Permit as cancelled, it cannot yet confirm the Application as moot, Senter-McGilvra respectfully request that any further consideration of the Application be stayed pending the completion of the cancellation process. By offering this as an alternative, Senter-McGilvra do not waive any claims in response to the Application including, but not limited to, their right to claim that the Application is not subject to administrative review by the Department on grounds that the Department's own rules compel that cancellation occur as a matter of course under the circumstances.

2. The application is either incomplete or makes misstatements of fact as evidenced by the following:

- a. Original Application CHART III, Condition No. "A" (p. 8): "The permittee has not installed a totalizing flow meter because the Well is in-active and the new well has not been constructed."

Comment: This statement is incomplete. As discussed above, the Well (in which Senters and Mr. McGilvra each possess a lawfully established interest as set forth in Appendix A) is only in-active for reasons that the Applicant illegally shut it down in 2012 and has since tried to compel Senter-McGilvra to become water customers. Further, such a statement is changed entirely in the subsequent amendment which makes no mention of the Well. Given the Applicant's prior conduct in (a) failing to provide the Department proper notice of the Senter-McGilvra's interests in the Well and related real property rights during its consideration of Application G-17282 and (b) illegally shutting down the well in 2012 to only then attempt to compel Senter-McGilvra to become water customers since such time, the Applicant has shown a commitment to continually disregard the Senter-McGilvra interests. Such conduct represents a long-standing pattern of inappropriate conduct by the Applicant in its pursuit of perfecting the Permit which fails to satisfy principles of good cause as defined under OAR 690-315-0080(3).

Machelle A. Bamberger
October 1, 2015
Page 3

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- b. Original Application CHART III, Condition No. "B" (p. 8-9): "The permittee has not kept record of the amount of water used each month because the Well is in-active and has not been used since the issuance of the Permit #G-16779 on August 23, 2010."

Comment: Although the Applicant has sought to amend the Original Application, the referenced language is a misstatement of fact. The Applicant did not illegally disconnect the Senters and Mr. McGilvra from the Well until 2012. The Senters and Mr. McGilvra would not learn until later that the Applicant by that time had previously received Permit G-16779 under which it intended to unilaterally abandon the Well.

- c. Original Application CHART IV, Column 8 (p. 10): "Is the well authorized or utilized under any OTHER existing water rights? [Applicant's response] "No."

Comment: While there appears to be no certificated water right associated with the Well, at a minimum, a permit exempt ground water right was and remains associated with the Well. The Original Application misrepresents to the Department that the Well was not a lawful source of water supply to which the Senters and Mr. McGilvra were legally entitled to without interference. Such statement by the Applicant in its pursuit of perfecting the Permit fails to satisfy principles of good cause as defined under OAR 690-315-0080(3).

- d. Original Application and Amended Application, Question No. 9 (p. 11-12): "Provide a summary of any events that delayed completion of the water development of application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction of perfection of the right."

* * *

"It has recently come to the attention of McNulty that [sic] Well and associated easement purchased by McNulty to support Permit G-16779, was subject to a private water system agreement between the original owner and two adjacent properties. **This agreement was not disclosed by the property owner at the time of the purchase and agreement with McNulty.** McNulty is currently working with the two other parties who have an interest in the well to establish an agreement for water service. OWRD was notified of this matter as documented in a letter by E. Timothy Wallin, dated May 27, 2015." (See Application, p. 12, last full paragraph.) [Emphasis added.]

Comment: As evidenced by the terms and conditions of the "Well Ownership and Easement" agreement dated May 27, 2009 and entered into between the Applicant and the then owner of the Well, a copy of which was submitted to the Department as part of application G-17282, the Applicant at that time was on full record notice that no less than two other properties received their water service from Well. In pertinent part, under the paragraph numbered "1." on page 1 of such agreement, terms and conditions exist confirming that the Applicant assumed ownership of the Well with actual knowledge of the Senter-McGilvra's appropriation and use of water from such facility.

Machelle A. Bamberger
October 1, 2015
Page 4

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Further, and as discussed above, the easement and water supply agreements benefitting the properties owned by the Senters and Mr. McGilvra were properly recorded within the real property records of Clatsop County and encumbered the very land and assets that the Applicant acquired under the Well Ownership and Easement agreement dated May 27, 2009.

The Application (a) misrepresents to the Department that the Applicant had no actual or constructive notice of the Senter-McGilvra interest in the Well and the related lands upon which it is located at the time it acquired the Well and related easements, and (b) ignores the fact that it chose to summarily cut off the Senter-McGilvra otherwise lawful rights to access and use of the Well and the groundwater to be withdrawn therefrom even though it possessed record and constructive notice of such interests. Such acts by the Applicant in its pursuit of perfecting the Permit fail to satisfy principles of good cause as defined under OAR 690-315-0080(3).

Finally, to the extent the Applicant alleges it is "working with the two other parties who have an interest in the Well to establish an agreement for water service," such a statement is hardly representative of what actually is occurring. The record will reflect in any proceeding that may occur as a result of this Application that the Applicant has historically shown no willingness to acknowledge the Senter-McGilvra interest in the Well and the immediately surrounding land to which the Applicant also acquired an interest upon its purchase of the Well. This continued lack of respect for the Senter-McGilvra interests in and to the Well, their related property rights of access to such facility and the water to be withdrawn therefrom only continues. To the extent the Applicant states it is "working to reach a solution" with Senter-McGilvra is yet additional evidence of acts by the Applicant in its pursuit of perfecting the Permit which fail to satisfy principles of good cause as defined under OAR 690-315-0080(3).

For the foregoing reasons, Senter-McGilvra request that the Application be returned to the Applicant for reasons that Permit G-16779 is subject to cancellation and therefore such submittal is moot or, in the alternative, should the Department determine that because it has yet to issue a final order confirming Permit G-16779 as cancelled, Senter-McGilvra respectfully request that any further consideration of the Application be stayed pending the completion of such cancellation. With the submittal of these initial comments, Senter-McGilvra reserve the right to raise any and all claims including, but not limited to, those relating to (a) the required cancellation of Permit G-16779 and (b) the Applicant's ability to pursue and ultimately receive, and the Department's authority to issue, an extension of time for the Permit.

Contact information and request for copy of proposed final order

Should you have any comments or questions regarding the above or wish any additional information, please do not hesitate to contact me at my email address provided below. With respect to correspondence by letter and all other communications, proposed final order(s) or other documents relating to the Application, please mail the same to my attention at Jordan Ramis PC, P.O. Box 230669, Portland, OR 97281.

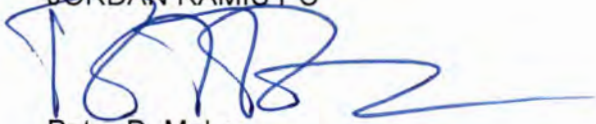
Machelle A. Bamberger
October 1, 2015
Page 5

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OCT 01 2015
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Finally, please find enclosed with this letter a check payable to the Department in the amount of \$25.00 to timely obtain a copy of any proposed final order as may be issued regarding the Original Application and/or the Amended Application.

Sincerely,

JORDAN RAMIS PC



Peter D. Mohr
Admitted in Oregon, Washington, and Colorado
Peter.Mohr@jordanramis.com
OR Direct Dial (503) 598-5529

Enclosures

cc: David and Carol Senter
Don McGilvra



Appendix A-1

Lake Oswego

Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver

1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend

360 SW Bond St., Suite 510
Bend, OR 97702
541-647-2979

RECEIVED

OCT 01 2015

OWRD

VIA E-MAIL & FIRST CLASS MAIL

March 31, 2015

Tim Wallin
Water Rights Manager
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301
wallinte@wrd.state.or.us

Re: **Application G-17282 / Permit G-16779**
Our File No. 52545-73316

Dear Tim:

On behalf of our clients, Dave and Carol Senter and Don McGilvra ("Senter-McGilvra"), I am writing to provide a summary of the concerns we addressed during our meeting last week regarding Permit G-16779 (the "Permit") issued to the McNulty Water People's Utility District ("PUD"). As we discussed, Senter-McGilvra take issue with the fact the Permit was granted by the Oregon Water Resources Department (the "Department") in reliance on certain statements in the underlying permit application G-17282 (the "Application") which were incomplete and, therefore, not true. These statements ignored Senter-McGilvra's property interests in and to the existing well (COLU 1225) identified in the Application (the "Well"), their perpetual rights of access to and use, operation and maintenance of the Well, and their perpetual rights to withdraw ground water from such facility for the benefit of their nearby properties. Because the Application failed to list Senter-McGilvra as affected parties, Senter-McGilvra were never provided notice of the Application itself thereby denying them the ability to contest its submittal and subsequent approval.

Background and Discussion

Dave and Carol Senter are fee owners of Tax Lot 401 ("Senter Property") and Don McGilvra is the fee owner of the adjacent property to the north, Tax Lot 402 ("McGilvra Property"), all as located in the Southeast 1/4 of Section 31, Township 5 North, Range 1 West, of the Willamette Meridian, in Columbia County. Copies of the deeds confirming fee title to these properties in Mr. and Mrs. Senter and Mr. McGilvra respectively are attached as *Appendices A-1 and A-2*.

The Well is located on Tax Lot 404 which is owned by Rich and Ellen Bailey. An Assessor map marked up by Senter-McGilvra showing the location of the tax lots to each other and generally locating the Well on Tax Lot 404, and the related water tower and the water lines from the Well to the Senter and McGilvra Properties is attached as *Appendix B*.

Mr. and Mrs. Senter's and Mr. McGilvra's separate interests in and to the Well, their perpetual rights of access to and use, operation and maintenance of the Well, and their perpetual rights to withdraw ground water from the Well for the benefit of their respective properties are confirmed under separate easements. The easement appurtenant to the Senter Property was executed on August 31,

Appendix A-1

JORDAN RAMIS PC
ATTORNEYS AT LAW

Tim Wallin
March 31, 2015
Page 2

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1979 and recorded on September 4, 1979 in Book 226 at Page 321 in the real property records of Columbia County (the "Senter Water Supply Easement"). The easement appurtenant to the McGilvra Property was executed on October 7, 1980 and recorded on October 9, 1980 in Book 233 at Page 109 in the real property records of Columbia County (the "McGilvra Water Supply Easement"). Copies of the easements are attached hereto as *Appendix C-1* (benefitting the Senter Property) and *Appendix C-2* (benefitting the McGilvra Property). But for the identification of the properties they benefit and the names of the grantor and grantees, the material terms and conditions of the Senter Water Supply Easement and the McGilvra Water Supply Easement are essentially identical. In pertinent part, and with both Mr. and Mrs. Senter and Mr. McGilvra possessing the rights of "grantees" in the chain of title, each easement contains the following provisions on pages 2 - 3:

1. Grantees shall have the right to use enough water from the well and reservoir to provide them with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantees may use, in cooperation with other granted users, as much water as they need to satisfy their domestic needs.
2. Grantees shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for their above described property and premises.
3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of Grantors' water and the water system, including well, pump, pipes and reservoir.
4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantees' rightful use.
5. This conveyance is made on the condition that Grantees shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.
6. This conveyance is also made on the condition that the Grantees shall keep and maintain the pipe used to convey water across Grantors' property to Grantees' property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.
7. This conveyance is appurtenant to the real property owned by Grantees and described above. Grantees shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantees' above described property.

In 2009, the PUD purchased from the then owners of Tax Lot 404 the Well and an easement within 100 feet of the Well to drill a new well upon the same property (the "PUD Well and Easement

Appendix A-1

JORDAN RAMIS PC
ATTORNEYS AT LAW

Tim Wallin
March 31, 2015
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Agreement"). A copy of the PUD Well and Easement Agreement, which was also submitted with the Application, is attached as *Appendix D*. Given that the Senter Water Supply Easement and the McGilvra Water Supply Easement were of public record and encumbered the Well and related portions of Tax Lot 404, the PUD possessed record notice of the encumbrances placed by the Senter Water Supply Easement and the McGilvra Water Supply Easement. By example only, further evidence of the PUD's advance notice that third parties possessed a legal interest in such assets prior to the PUD's purchase of the Well is shown in paragraph No. 1 on page 1 of the PUD Well and Easement Agreement. Although not binding on Senter-McGilvra as they were not parties to such agreement, among future obligations to be assumed by the PUD was the provision of "Two (2) water services to existing users on the well until their individual property changes ownership." The only two properties receiving water from the Well at that time were the Senter Property and the McGilvra Property. As shown in the Application and by their subsequent conduct to date, the PUD has proceeded with the intention of never respecting the Senter-McGilvra rights and interests previously confirmed in them under their respective Water Supply Easements.

The PUD Application

The PUD's Application never disclosed to the Department the existence of the Senter-McGilvra Water Supply Easements and the extent to which such interests encumbered the land, the Well, and the ground water from the Well.

The Application makes no mention of the fact that the PUD (a) *did not possess* a unilateral and otherwise unencumbered right to replace the Well as called out in the Application in order to replace the same with a new and much bigger well, and (b) *did possess then and continues to possess* a legal obligation to allow for, and to assume a proportionate share of the cost associated with, the continued operation of the Well by and with Mr. and Mrs. Senter and Mr. McGilvra. Further, absent disclosing or accounting for the legal obligations the PUD owed to Senter-McGilvra, PUD representations made specifically in Sections 2 of the Application were both incomplete and, therefore, not true.

Section 2: Property Ownership

Although the PUD correctly answered under Section 2 of the Application that it did not own "all lands associated with the project from which the water is to be diverted, conveyed, and used," it incorrectly answered that it possessed "a recorded easement or written authorization permitting access." As discussed above, the PUD did acquire the underlying title to the Well, the ground water as may be withdrawn from the Well and the land upon which the Well is located and which surrounds the Well. As also discussed above, however, the PUD took title to all such interests subject to the prior encumbrances of record established by the Senter Water Supply Easement and the McGilvra Water Supply Easement. By submitting the Application less any recognition of the Senter-McGilvra interests, the Application makes false representations. By doing so, the PUD avoided any consideration by the Department of the extent to which the Senter-McGilvra easements on and across Tax Lot 404 and use of the Well and the ground water therefrom (which would source any new well ultimately completed by the PUD) may be adversely affected by the Application. With the PUD's failure to disclose the Senter-McGilvra recorded interests in the Application, the Permit may be subject to cancellation.
ORS 537.139(2).

Appendix A-1

JORDAN RAMIS PC
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Tim Wallin
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Section 2: Notice to all affected landowners

Any allowance for perfection of the Permit as-is would be unlawful where Senter-McGilvra were never afforded notice of the opportunity to comment on the Application and contest any subsequent issuance of the Permit. As you know, Section 2 of the Application also requires the applicant to list the "names and mailing addresses of all affected landowners." However, and although fully aware of the Senter-McGilvra interests, the PUD failed to list Mr. and Mrs. Senter or Mr. McGilvra as affected landowners.

Finally, three years following the PUD's purchase of the Well, it disconnected Senter-McGilvra from the Well without their prior approval and hooked them up to the PUD's water line. Since that time, the PUD either directly, or with the assistance of the parties from whom they purchased the Well, have repeatedly pressured Senter-McGilvra to (a) execute documents conveying all their interests in their respective Water Supply Easements to the PUD, (b) execute water service agreements with the PUD, and (c) to pay for PUD water provided to date. Neither Mr. and Mrs. Senter nor Mr. McGilvra have ever agreed to the execution of such documents or the provision of payment for PUD water service.

There is no legal authority to maintain a water rights permit that would result in the loss of or harm to a third party's real property interests when such party was never afforded an opportunity to initially challenge the issuance of the permit. In consideration of the PUD's conduct, Mr. and Mrs. Senter and Don McGilvra request that the Department:

1. Make a preliminary determination that, based on the information before it, the Department does not recognize Permit G-16779 as being necessarily valid; and
2. Maintain such determination until the earlier occurrence of: (a) Senter-McGilvra's submittal to the Department of a fully executed written agreement with the PUD resolving the parties' dispute; or (b) the Department making a determination the Permit be subject to cancellation as a matter of law.

Should you have any comments or questions regarding the above or wish any additional information, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC



Peter D. Mohr

Admitted in Oregon, Washington, and Colorado
Peter.Mohr@jordanramis.com
OR Direct Dial (503) 598-5529

Enclosures

cc: Clients

Appendix A-1

After recording return to:

DAVID R. SENTER
1622 SE 62ND
PORTLAND, OR 97206

Until a change is requested tax statements
shall be sent to the following address:
SAME AS ABOVE

I hereby certify that the public record
was received for record and recorded
in the County of Columbia, State of Oregon.

63360 39 147 31 17271



ELIZABETH RUSSELL, County Clerk
By: G. J. [Signature]
Range 10164 of Page 2
Page 400

WARRANTY DEED -- STATUTORY FORM (INDIVIDUAL or CORPORATION)

RICHARD J. BAILLY and ELLEN M. BAILLY, husband and wife, Grantor,

conveys and warrants to:

DAVID R. SENTER and CAROL A. SENTER, husband and wife, Grantee,

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

PARCEL 1: Beginning at the Northwest corner of the second parcel of the
Raymond W. Jauron tract as described in Deed Book 59 at page 171, Deed Records
of Columbia County, Oregon; said point being on the South line of the Francis
McGilvra et ux tract as described in Deed Book 198 at page 530; thence
Westerly along said South line of said McGilvra tract a distance of 480.0
feet; thence Southerly, parallel to the West line of said second parcel of
said Jauron tract, a distance of 181.5 feet; thence Easterly, parallel to said
South line, a distance of 480.0 feet to said West line of said Jauron tract;
thence Northerly along said West line a distance of 181.5 feet to the point of
beginning. EXCEPTING THEREFROM that portion conveyed to Francis E. McGilvra
et ux by deed recorded October 29, 1979 in Book 227, page 482, Deed Records of
Columbia County, Oregon.

PARCEL 2: Beginning at the Northwest corner of the second parcel of the
Raymond W. Jauron tract as described in deed Book 59 at page 171, Deed Records
of Columbia County, Oregon, said point being on the South line of the Francis
McGilvra et ux tract as described in deed Book 198, at page 530; thence
Westerly along said South line of said McGilvra tract a distance of 480.0
feet; thence Northerly parallel to the West line of easement as described in
Book 223, page 762, Deed Records of Columbia County, Oregon, a distance of 85
feet; thence Easterly, parallel with the South line of said McGilvra tract
480.0 feet to the West line of said easement granted to Phillip Jauron by
Francis McGilvra et ux, recorded May 8, 1979 in Book 223, page 762, Deed
Records of Columbia County, Oregon; thence South along the West line of said
easement 85 feet to the point of beginning.

PARCEL 3: Beginning at a point which is South 1320 feet and West 20 feet from
the Northeast corner of Government Lot 1 in Section 21, Township 5 North,
Range 1 West of the Willamette Meridian, Columbia County, Oregon, said point
being the Northwest corner of the second parcel of the Raymond W. Jauron tract
as described in Book 59, page 171, Deed Records of Columbia County, Oregon,
said point also being on the South line of the Francis McGilvra et ux tract as
described in Book 198, page 530, Deed Records of Columbia County, Oregon, said
point also being the Southwest corner of an easement granted to Phillip Jauron
by Francis McGilvra et ux recorded in Book 223, page 762, Deed Records of
Columbia County, Oregon; thence Westerly, along the South line of said
McGilvra tract 480.0 feet; thence Southerly, parallel to the West line of said
easement 96.50 feet to the Northwest corner of the Francis E. and Laurene
McGilvra tract as described in Book 227, page 482, Deed Records of Columbia
County, Oregon, and the true point of beginning of the parcel herein
described; thence Easterly, along the North line of said Francis E. and
Laurene McGilvra tract a distance of 480.00 feet to the Northeast corner
thereof; thence Southerly, along the Easterly line of said McGilvra tract and
the extension thereof a distance of 90.75 feet; thence Westerly, parallel to
the North line of said McGilvra tract a distance of 480.00 feet; thence
Northerly a distance of 90.75 feet to the true point of beginning.

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PARCEL 4: A 20 foot non-exclusive easement for ingress and egress, described as follows:

Beginning at the Southeast corner of the Phillip Jauron tract as described in Book 225, page 185, Deed Records of Columbia County, Oregon; thence Southerly along the East line of the Francis McGilvra tract described in Book 91, page 207, Deed Records of Columbia County, Oregon, to the Northwest corner of the Perry Donation Land Claim; thence continuing Southerly along the West line of the Perry Donation Land Claim to Hankey Road, (a presently existing County Road near Milton Creek); thence Westerly along said County Road to a point 20 feet West of the Francis Perry Donation Land Claim; thence Northerly and parallel with the Westerly line of the Francis Perry Donation Land Claim, and an extension thereof to the South line of the Phillip Jauron tract as recorded in Book 225, page 185, Deed Records; thence East along the South line of said Phillip Jauron tract to the point of beginning. TOGETHER WITH a non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir, as disclosed by instrument recorded September 4, 1979 in Book 226, page 321, Records of Columbia County, Oregon.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the previous years in which the land was subject to the special land use assessment.

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. Road maintenance agreement, including the terms and provisions thereof,

Between: Richard J. Bailey and Ellen M. Bailey et al
Recorded: April 24, 1997
Fee Number: 97-04278

Tax Account No: 315104000401 Map No: 02-08

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LANDSUITES AGAINST FENCING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

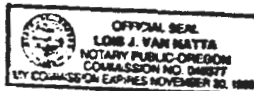
The true consideration for this conveyance is \$220,900.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration.

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

Dated this 27th day of March, 1990.

GRANTOR(s):

[Signature]
RICHARD J. BAILEY
[Signature]
ELLEN M. BAILEY



STATE OF OREGON, County of Columbia) ss.

This instrument was acknowledged before me on 3/27, 1990, by RICHARD J. BAILEY and ELLEN M. BAILEY

[Signature]
Notary Public for Oregon

My commission expires: 11/30/99

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TL402 Appendix A-1
Appendix A-2

RECORDING REQUESTED BY:

GRANTOR:
Thomas P. McGilvra
60379 Rays Way
St. Helens, OR 97051

GRANTEE:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

SEND TAX STATEMENTS TO:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

AFTER RECORDING RETURN TO:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

Escrow No: 73813009704-TTCOL07

5131-D0-00402
15749
60379 Rays Way
St. Helens, OR 97051

COLUMBIA COUNTY, OREGON 2013-010081
DEED-D
Cnt=1 Pgs=3 HUSERB 12/23/2013 11:53:32 AM
\$15.00 \$11.00 \$15.00 \$5.00 \$10.00
=\$66.00



00179466201300100810030036
I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
Records.

Elizabeth E. Huser - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Thomas P. McGilvra

Grantor, conveys and warrants to

Don P. McGilvra

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

Parcel 1: A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon, said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra et ux recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 85.0 feet to the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, page 483, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described; thence continuing North, parallel to the West line of said easement a distance of 181.5 feet; thence Easterly parallel with the North line of said Bailey tract a distance of 480.0 feet to the West line of said easement; thence Southerly, along the West line of said easement, a distance of 181.5 feet to the Northeast corner of said Bailey tract; thence Westerly, along the North line of said Bailey tract a distance of 480.0 feet to the true point of beginning.

Parcel 2: A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon, said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also

73813009704-TTCOL07
Deed (Warranty – Statutory (Individual or Corporation))

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being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra et ux recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 266.5 feet to the Northwest corner of the Thomas P. McGilvra tract as described in Book 233, page 105, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described; thence continuing North, parallel to the West line of said easement a distance of 90.75 feet; thence Easterly parallel with the North line of said McGilvra tract a distance of 480.0 feet; thence South a distance of 90.75 feet to the Northeast corner of said McGilvra tract; thence West, along the Thomas P. McGilvra tract to the true point of beginning.

Parcel 3: A 20 foot non-exclusive easement for ingress and egress, described as follows: Beginning at the Southeast corner of the Phillip Jauron tract as described in Book 225, page 185, Deed Records of Columbia County, Oregon; thence Southerly along the East line of the Francis McGilvra tract described in Book 91, page 207, Deed Records of Columbia County, Oregon, to the Northwest corner of the Perry Donation Land Claim; thence continuing Southerly along the West line of the Perry Donation Land Claim to Hankey Road, (a presently existing County Road near Milton Creek); thence Westerly along said County Road to a point 20 feet West of the Francis Perry Donation Land Claim; thence Northerly and parallel with the Westerly line of the Francis Perry Donation Land Claim, and an extension thereof to the South line of the Phillip Jauron tract as recorded in Book 225, page 185, Deed Records; thence East along the South line of said Phillip Jauron tract to the point of beginning.

The true consideration for this conveyance is \$150,000.00.

ENCUMBRANCES: Attached

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated 12-20-13 if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Thomas P. McGilvra
Thomas P. McGilvra

State of OREGON

COUNTY of Columbia

This instrument was acknowledged before me on 12-20-2013, 20__

by Thomas P. McGilvra

David J. Reed Notary Public - State of Oregon
My commission expires: 8/22/2016

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Escrow: 73813009704

EXHIBIT "A"

The Land has been classified as Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the area commonly known as Rays Way

Matters contained in that certain Road Maintenance Agreement which document, among other things, may provide for liens and charges.

Executed by: Lawrence R. Jauron et al

Recording Date: April 24, 1997

Recording No: 97-04278

Reference is hereby made to said document for full particulars.

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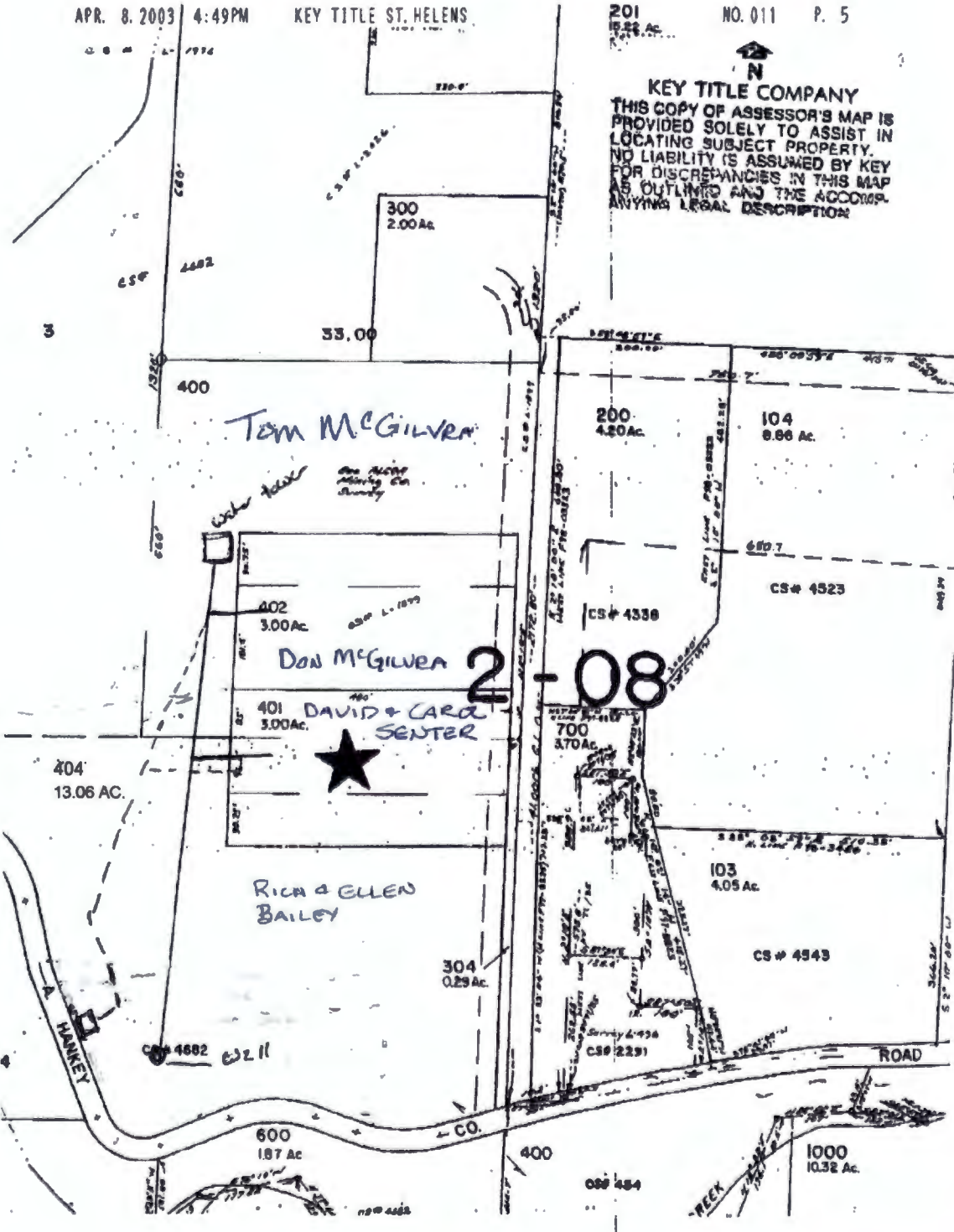
Appendix B

APR. 8. 2003 4:49PM

KEY TITLE ST. HELENS

201
15.22 Ac.

NO. 011 P. 5



- DASHED LINE IS NEW WATER LINES
- OLD WELL
- WATER TOWER/RESEVOR

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EASEMENT

BOOK 225 PAGE 321

WHEREAS, FRANCIS E. MCGILVRA and LAURENE MCGILVRA, husband and wife, Grantors, are the owners a tract of land described as follows:

Parcel 1: Beginning at the Southeast corner of Government Lot 3, Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence Northerly along the East line of said Lot 3 a distance of 660 feet; thence West, parallel to the South line of said Lot 3, a distance of 660 feet; thence Southerly, parallel to the East line of said Lot 3, a distance of 660 feet to the South line of said Lot 3; thence East a distance of 660 feet to the point of beginning.

Parcel 2: Government Lot 4 in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, Northerly and Easterly of County Road EXCEPT tract described in deed recorded July 23, 1979 in Book 225, page 376, Deed Records of Columbia County, Oregon, and EXCEPT a second parcel described in deed recorded in Book 59, page 171, Deed Records of Columbia County, Oregon.

WHEREAS, RICHARD J. BAILEY and ELLEN M. BAILEY, husband and wife, Grantees, are the owners of a tract of land described as follows:

Beginning at the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon; said point being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon; thence Westerly along said South line of said McGilvra tract a distance of 480.0 feet; thence Southerly parallel to the West line of said second parcel of said Jauron tract, a distance of 181.5 feet; thence Easterly, parallel to said South line, a distance of 480.0 feet to said West line of said Jauron tract; thence Northerly along said West line a distance of 181.5 feet to the point of beginning.

WHEREAS, there is on Grantors' above described land, (Parcel 2) a well, together with pump, water pipe, and reservoir, (Parcel 1) used in connection therewith, belonging exclusively to Grantors.

5-59639
Presented by
The Insurance Company

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BOOK 226 PAGE 322

Grantors convey to Grantees, their heirs, successors and assigns, a perpetual non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir on Grantors' property and the right to take water from said well and reservoir for domestic purposes and convey such water from the said reservoir or well to their above described property by pipe which may be placed on, in, over and across Grantors' above described land.

The terms of this easement are as follows:

1. Grantees shall have the right to use enough water from the well and reservoir to provide them with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantees may use, in cooperation with other granted users, as much water as they need to satisfy their domestic needs.
2. Grantees shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for their above described property and premises.
3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of Grantors' water and the water system, including well, pump, pipes and reservoir.
4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantees' rightful use.
5. This conveyance is made on the condition that Grantees shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.
6. This conveyance is also made on the condition that the Grantees shall keep and maintain the pipe used to convey water across Grantors' property to Grantees' property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.

Page Two - EASEMENT

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BOOK 226 PAGE 323

7. This conveyance is appurtenant to the real property owned by Grantees and described above. Grantees shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantees' above described property.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Francis E. McGilvra
Francis E. McGilvra

Laurene McGilvra
Laurene McGilvra

Richard J. Bailey
Richard J. Bailey

Ellen M. Bailey
Ellen M. Bailey

STATE OF OREGON)
County of Columbia) ss.

August 31 A.D. 1979

Personally appeared the above named Francis E. McGilvra and Laurene McGilvra, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
NOTARY PUBLIC
STATE OF OREGON

NOTARIAL SEAL

Louis L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

STATE OF OREGON)
County of Columbia) ss.

August 31 A.D. 1979

Personally appeared the above named Richard J. Bailey and Ellen M. Bailey, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
NOTARY PUBLIC
STATE OF OREGON

Page Three - EASEMENT

Louis L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

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9-4-79

BOOK 226 PAGE 324
STATE OF OREGON)
Columbia County) ss. 6257

I certify that the within instrument of
writing was received for record on the
4 day of Sept. 1979
at 11:06 a'clock A. M.; recorded
in Book 224 on page 321
Records of Needs
of said County.

Witness my hand and seal of County
clerk.

Reta G. Kerry
County Clerk.

By A. Miller Deputy

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OCT 01 2015
OWRD

Appendix C-2

10-9-80

EASEMENT

BOOK 233 PAGE 109

WHEREAS, FRANCIS E. MCGILVRA and LAURENE MCGILVRA, husband and wife, Grantors, are the owners of a tract of land described as follows:

Parcel 1: Beginning at the Southeast corner of Government Lot 3, Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence Northerly along the East line of said Lot 3 a distance of 660 feet; thence West, parallel to the South line of said Lot 3, a distance of 660 feet; thence Southerly, parallel to the East line of said Lot 3, a distance of 660 feet to the South line of said Lot 3; thence East a distance of 660 feet to the point of beginning, EXCEPT a tract described in Book 227, page 483, Deed Records of Columbia County, Oregon and recorded October 29, 1979.

Parcel 2: Government Lot 4 in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, Northerly and Easterly of County Road EXCEPT tract described in deed recorded July 23, 1979 in Book 225, page 376, Deed Records of Columbia County, Oregon, and EXCEPT a second parcel described in deed recorded in Book 59, page 171, Deed Records of Columbia County, Oregon, and EXCEPT a third parcel described in deed recorded October 29, 1979 in Book 227, page 483, Deed Records of Columbia County, Oregon.

WHEREAS, THOMAS P. MCGILVRA, Grantee, is the owner of a tract of land described as follows:

A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon; said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra, et ux, recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 85.0 feet to the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, page 483, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described;

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10-9-80

BOOK 233 PAGE 110

thence continuing North, parallel to the West line of said easement a distance of 181.5 feet; thence Easterly parallel with the North line of said Bailey tract a distance of 480.0 feet to the West line of said easement; thence Southerly, along the West line of said easement a distance of 181.5 feet to the Northeast corner of said Bailey tract; thence Westerly, along the North line of said Bailey tract a distance of 480.0 feet to the true point of beginning. Containing 2 acres, more or less.

WHEREAS, there is on Grantors' above described land (Parcel 2) a well, together with pump, water pipe, and reservoir, (Parcel 1) used in connection therewith, belonging exclusively to Grantors.

WHEREAS, Grantors have conveyed to Richard J. Bailey and Ellen M. Bailey, husband and wife, a non-exclusive easement to water rights and use of said well and reservoir as shown by easement recorded in Book 226, page 321, Deed Records of Columbia County, Oregon.

Grantors convey to Grantee, his heirs, successors and assigns, a perpetual non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir on Grantors' property and the right to take water from said well and reservoir for domestic purposes and convey such water from the said reservoir or well to their above described property by pipe which may be placed on, in, over and across Grantors' above described land.

The terms of this easement are as follows:

1. Grantee shall have the right to use enough water from the well and reservoir to provide him with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantee may use, in cooperation with other granted users, as much water as he needs to satisfy his domestic needs.

2. Grantee shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for his above described property and premises.

3. Grantee agrees to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantee's use of Grantors' water and the water system, including well, pump, pipes and reservoir.

4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantee's rightful use.

Page 2 - BASEMENT

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10-9-80

BOOK 233 PAGE 111

5. This conveyance is made on the condition that Grantee shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.

6. This conveyance is also made on the condition that the Grantee shall keep and maintain the pipe used to convey water across Grantors' property to Grantee's property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.

7. This conveyance is appurtenant to the real property owned by Grantee and described above. Grantee shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantee's above described property.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Francis E. McGilvra
Francis E. McGilvra

Laurene McGilvra
Laurene McGilvra

GRANTORS

Thomas P. McGilvra
Thomas P. McGilvra

GRANTEE

STATE OF OREGON)
County of Columbia) ss,

October 7 A.D., 1980

Personally appeared the above named Francis E. McGilvra and Laurene McGilvra, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Louis L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

Page 3 - EASEMENT

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10-9-80

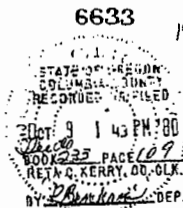
BOOK 233 PAGE 112

STATE OF OREGON)
County of Columbia) ss. October 8 A.D., 1980

Personally appeared the above-named Thomas P. McGilvra, and
acknowledged the foregoing instrument to be his voluntary act
and deed.

Before me:

Lair L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81



Page 4 - EASEMENT

ST. HELENS

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Appendix A-1

Gr-17282

WELL OWNERSHIP AND EASEMENT

McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Return to

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

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NOV 04 2009

WATER DIVISION
ST. HELENS, OREGON

Note: See attached document (Exhibit AA).

Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

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Appendix A-1

G-17282

Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of

May 2009.
By: Richard J. Bailey

Ellen M. Bailey

State of Oregon }
 } ss
County of Columbia }

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NOV 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

On this day personally appeared before me

Richard J. Bailey
Ellen M. Bailey

known to me to be the individual S
who executed the foregoing instrument, and
acknowledged that Richard and Ellen Bailey
signed the same as Grantors
free and voluntary act and deed, for the uses
an and purposes herein mentioned.

Given under my hand and official seal this 7
Day of May, 2009.

[Signature] Notary Public
in and for the State of Oregon
residing at SACFCU



My commission expires: SEPT 10 2012

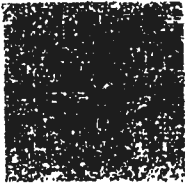
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Appendix A-1

G-17282

**REYNOLDS
LAND
SURVEYING,
INC.**32990 Stone Road
Warren, OR 97053
(503) 397-5516
Fax (503) 397-5518

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NOV 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

July 3, 2007

McGivra Trust
Legal Description
Southerly Adjusted Tract

A tract of land in the East half of Section 31, Township 6 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGivra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.85 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Henkey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03380, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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Appendix A-1

G-17282



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WATER RESOURCES DEPT
SALEM, OREGON

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

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Oregon
Kate Brown, Governor

Appendix B-1

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

Richard Louie
McNulty PUD
POB 260
34240 Millard Road
St Helens OR 97051

RECEIVED

MAY 29 2015

**Jordan Ramis PC
Attorneys at Law**

May 26, 2015

Re: Permit G-16779

Dear Mr. Louie:

The Water Resources Department recently received information regarding a real-property transaction and events that have transpired since issuance of water-right Permit G-16779 to McNulty PUD. Specifically, it has come to our attention that information concerning encumbrances, and therefore affected landowners, supplied by the PUD in Application G-17282 was incomplete, resulting in insufficient Departmental notice of the application to all affected landowners.

In late March, I met with Dave and Carol Senter, Don McGilvra, and their attorney Peter Mohr. Upon reviewing real-property documents provided, I was persuaded that, newspaper notice of the application notwithstanding, Application G-17282 did not have accurately describe the status of real-property ownership, and failed to fully disclose known information regarding affected landowners and their interests in the property and in the existing well that the PUD designated in Application G-17282 for abandonment. Given that the information about affected property ownership supplied in the application was wholly incomplete, G-16779 is subject to cancellation (under OAR 690-310-0030(2)). However, rather than initiating cancellation proceedings at this time, the Department hereby encourages the PUD to work cooperatively with the Senters and Mr. McGilvra in a timely manner.

Therefore: 1) the Department recognizes Permit G-16779 as being subject to cancellation; and 2) the Department will maintain such determination until the earlier occurrence of: (a) the Senters' and Mr. McGilvra's submittal to the Department of a fully-executed written agreement with the PUD resolving the parties' dispute, or (b) the Department begins cancellation proceedings for Permit G-16779.

If the Department may be of assistance, please let me know.

E. Timothy Wallin PhD RG CWRE
Water Rights Program Manager

cc: Application File G-17282
Peter Mohr, Jordan-Ramis P.C.

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OCT 01 2015
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acc.

Appendix B-2



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Richard Lager
McNulty PUD
POB 260
St. Helens, OR 97051

May 27, 2015

RECEIVED

JUN 01 2015

Jordan Ramis PC
Attorneys at Law

Re: Permit G-16779

Dear Mr. Lager:

The Water Resources Department recently received information regarding a real-property transaction and events that have transpired since issuance of water-right Permit G-16779 to McNulty PUD. Specifically, it has come to our attention that information concerning encumbrances, and therefore affected landowners, supplied by the PUD in Application G-17282 was incomplete, resulting in insufficient Departmental notice of the application to all affected landowners.

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If the Department may be of assistance, please let me know.

E. Timothy Wallin

E. Timothy Wallin PhD RG CWRE
Water Rights Program Manager

cc: Application File G-17282
Peter Mohr, Jordan-Ramis P.C.

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OCT 01 2015

OWRD

Me?

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 # 117574

INVOICE # _____

RECEIVED FROM: Jordan Ramis PC

APPLICATION 6-17282

BY: _____

PERMIT _____

TRANSFER _____

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

☐ ☒ 110413 ☐ _____

TOTAL REC'D \$ 25.00

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) _____

\$ 25.00

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE
\$ _____

0202

RECORD FEE
\$ _____
\$ _____

0203 GROUND WATER

\$ _____

0204

0205 TRANSFER

\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE
\$ _____

0219

LICENSE FEE
\$ _____

LANDOWNER'S PERMIT

0220

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD # _____

0210 MONITORING WELLS

\$ _____

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

RECEIVED
OVER THE COUNTER

RECEIPT: 117574

DATED: 10-1-15

BY: Main Bank

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

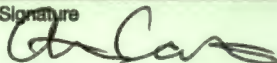
Richard Lager
McNulty PUD
PO Box 260
St. Helens, OR 97051

G-16779

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below

Yes

No

RECEIVED**JUN 01 2015****OWRD**

3. Service Type

☐ Certified Mail®☐ Priority Mail Express™☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

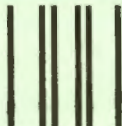
(Transfer from service label)

7014 1200 0000 8250 6671

UNITED STATES POSTAL SERVICE

OR 970

28 MAY '15

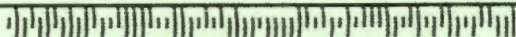


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PM 3 L

- Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301





Oregon
Kate Brown, Governor

Water Resources Department

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

Richard Lager
McNulty PUD
POB 260
St. Helens, OR 97051

May 27, 2015

Re: Permit G-16779

Dear Mr. Lager:

Mailed Certified
5/27/15
70141200 0000
8250 6671

The Water Resources Department recently received information regarding a real-property transaction and events that have transpired since issuance of water-right Permit G-16779 to McNulty PUD. Specifically, it has come to our attention that information concerning encumbrances, and therefore affected landowners, supplied by the PUD in Application G-17282 was incomplete, resulting in insufficient Departmental notice of the application to all affected landowners.

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E. Timothy Wallin

E. Timothy Wallin PhD RG CWRE
Water Rights Program Manager

cc: Application File G-17282
Peter Mohr, Jordan-Ramis P.C.

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Richard Louie G-16779
McNulty PUD
PO Box 260
St. Helens, OR 97051

Article Number

(Transfer from service label)

7014 1200 0000 8250 6725

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☐ Certified Mail®☐ Priority Mail Express™☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

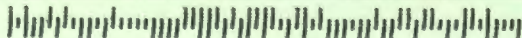
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301





Oregon
Kate Brown, Governor

Richard Louie
McNulty PUD
POB 260
34240 Millard Road
St Helens OR 97051

Re: Permit G-16779

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If the Department may be of assistance, please let me know.

E. Timothy Wallin PhD RG CWRE
Water Rights Program Manager

cc: **Application File G-17282**
Peter Mohr, Jordan-Ramis P.C.

McNulty PUD
598. 7070
Peter Mohr
current board chairman:
→ Richard Lager
- no address
34240 Millard Rd
Warren, OR 97053

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2013

PARCEL 3: Beginning at a point which is South 1230 East and West 50 feet from the northeast corner of Government Lot 3 in Section 31, Township 5 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, said point being the Northwest corner of the second parcel of the Raymond M. Jevons tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon, said point also being on the South line of said Francis McCallister tract as recorded in Book 223, page 752, Deed Records of Columbia County, Oregon; thence Northerly, along the South line of said McCallister tract 480.0 feet; thence Southerly, parallel to the West line of said agreement 96.50 feet to the Northwest corner of the Francis R. and Laurena McCallister tract as described in Book 227, page 482, Deed Records of Columbia County, Oregon; and the true point of beginning of the parcel hereto described; thence Northerly, along the North line of said Francis R. and Laurena McCallister tract a distance of 480.0 feet to the Northeast corner thereof; thence Southerly, along the Northerly line of said McCallister tract and the extension thereof a distance of 90.75 feet; thence Westerly, parallel to the North line of said McCallister tract a distance of 480.0 feet; thence Northerly a distance of 90.75 feet to the true point of beginning.

PARCEL 2: Beginning at the Northwest corner of the second parcel of the Raymond M. Hagman tract as described in deed Book 55 at page 172. Deed Records of Columbia County, Oregon, said point being on the south line of the Prindle McAllister et ux tract as described in deed Book 196, at page 536; thence Northerly along said south line of said McAllister tract a distance of 480.0 feet; thence Northerly parallel to the west line of agreement as described in deed Book 223, page 762, Deed Records of Columbia County, Oregon, a distance of 89.0 feet to the east line of said agreement granted to Philip Hagman by Prindle McAllister et ux, recorded May 9, 1979 in Book 223, page 762. Deed Records of Columbia County, Oregon; thence south along the west line of said agreement 85 feet to the point of beginning.

PARCEL 1: Beginning at the Northwest corner of the Raymond N. Jenson tract as described in Deed Book 59 at page 171. Deed records of Columbia County, Oregon; said point being on the south line of the Franklin McCallister ex tract as described in Deed Book 198 at page 530; thence westerly along said south line of said McCallister tract a distance of 480.0 feet; thence southeasterly, parallel to the east line of said second parcel of said Jenson tract, a distance of 181.5 feet; thence easterly, parallel to said south line of said west line of said Jenson tract; thence northerly along said west line a distance of 181.5 feet to the point of beginning. EXCEPTING THEREAFTER that portion conveyed to Franklin N. McCallister as set by deed recorded October 29, 1975 in Book 227, page 482. Deed records of Columbia County, Oregon.

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

DAVID L. SEITZ and CAROL A. SEITZ, husband and wife, officers,

to: COMPANY and PARTIALS

1. DATE 10/10/50 TIME 10:00 BY J. L. H. REASON 10:00

INDIVIDUALS -- STATEMENT FOR (INDIVIDUAL OR CORPORATION)

I hereby certify that the within inventory was received for record and recorded in the County of Columbia, State of Oregon.

63360 99 147 31 11271

ELIZABETH HUBER, County Clerk
By: G. Long Deputy
Received 10/16/14 of Proctor
Page 6 of 40



DAVID R. SEITZ
FAX RECORDING RETURN TO:
703 CR 62ND
PORTLAND, OR 97206
STANDARD OF 97051
DUE TO A CHANGE IN REQUESTED TAX STATEMENTS
[NAME] BE SENT TO THE FOLLOWING ADDRESS:
TAXES VS ABOVE

PARCEL 4: A 20 foot non-exclusive easement for ingress and egress, described as follows:

Beginning at the Southeast corner of the Phillip Jauron tract as described in Book 225, page 185, Deed Records of Columbia County, Oregon; thence Southerly along the East line of the Francis McGilvra tract described in Book 91, page 207, Deed Records of Columbia County, Oregon, to the Northwest corner of the Perry Donation Land Claim; thence continuing Southerly along the West line of the Perry Donation Land Claim to Hankey Road, (a presently existing County Road near Milton Creek); thence Westerly along said County Road to a point 20 feet West of the Francis Perry Donation Land Claim; thence Northerly and parallel with the Westerly line of the Francis Perry Donation Land Claim, and an extension thereof to the South line of the Phillip Jauron tract as recorded in Book 225, page 185, Deed Records; thence East along the South line of said Phillip Jauron tract to the point of beginning. TOGETHER WITH a non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir, as disclosed by instrument recorded September 8, 1979 in Book 226, page 321, Records of Columbia County, Oregon.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the previous years in which the land was subject to the special land use assessment.

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. Road maintenance agreement, including the terms and provisions thereof.

Between: Richard J. Bailey and Ellen M. Bailey et al
Recorded: April 24, 1997
Fee Number: 97-04278

Tax Account No: 315104000401 Map No: 02-08

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAW AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$220,900.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration.

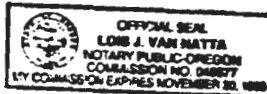
If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 27th day of March, 1998.

GRANTOR(S):

Richard J. Bailey
RICHARD J. BAILEY

Ellen M. Bailey
ELLEN M. BAILEY



STATE OF OREGON, County of Columbia ss.

This instrument was acknowledged before me on 3/27, 1998.

by Richard J. Bailey and Ellen M. Bailey

[Signature]
Notary Public for Oregon

My commission expires: 11/30/99

ST. HELENS

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SALEM, OR

RECORDING REQUESTED BY:

GRANTOR:
Thomas P. McGilvra
60379 Rays Way
St. Helens, OR 97051

GRANTEE:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

SEND TAX STATEMENTS TO:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

AFTER RECORDING RETURN TO:

Don P. McGilvra
60379 Rays Way
St. Helens, OR 97051

Escrow No: 73813009704-TTCOL07

5131-D0-00402
15749
60379 Rays Way
St. Helens, OR 97051

COLUMBIA COUNTY, OREGON 2013-010081
DEED-D
Cnt=1 Pgs=3 HUSERB 12/23/2013 11:53:32 AM
\$15.00 \$11.00 \$15.00 \$5.00 \$10.00 = \$66.00



00179466201300100810030036
I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records
Elizabeth E. Huser - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Thomas P. McGilvra

Grantor, conveys and warrants to

Don P. McGilvra

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

Parcel 1: A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon, said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra et ux recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 85.0 feet to the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, page 483, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described; thence continuing North, parallel to the West line of said easement a distance of 181.5 feet; thence Easterly parallel with the North line of said Bailey tract a distance of 480.0 feet to the West line of said easement; thence Southerly, along the West line of said easement, a distance of 181.5 feet to the Northeast corner of said Bailey tract; thence Westerly, along the North line of said Bailey tract a distance of 480.0 feet to the true point of beginning.

Parcel 2: A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon, said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also

73813009704-TTCOL07
Deed (Warranty – Statutory (Individual or Corporation))

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73813009704

being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra et ux recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 266.5 feet to the Northwest corner of the Thomas P. McGilvra tract as described in Book 233, page 105, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described; thence continuing North, parallel to the West line of said easement a distance of 90.75 feet; thence Easterly parallel with the North line of said McGilvra tract a distance of 480.0 feet; thence South a distance of 90.75 feet to the Northeast corner of said McGilvra tract; thence West, along the Thomas P. McGilvra tract to the true point of beginning.

Parcel 3: A 20 foot non-exclusive easement for ingress and egress, described as follows: Beginning at the Southeast corner of the Phillip Jauron tract as described in Book 225, page 185, Deed Records of Columbia County, Oregon; thence Southerly along the East line of the Francis McGilvra tract described in Book 91, page 207, Deed Records of Columbia County, Oregon, to the Northwest corner of the Perry Donation Land Claim; thence continuing Southerly along the West line of the Perry Donation Land Claim to Hankey Road, (a presently existing County Road near Milton Creek); thence Westerly along said County Road to a point 20 feet West of the Francis Perry Donation Land Claim; thence Northerly and parallel with the Westerly line of the Francis Perry Donation Land Claim, and an extension thereof to the South line of the Phillip Jauron tract as recorded in Book 225, page 185, Deed Records; thence East along the South line of said Phillip Jauron tract to the point of beginning.

The true consideration for this conveyance is \$150,000.00.

ENCUMBRANCES: Attached

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated 12-20-13 if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Thomas P. McGilvra
Thomas P. McGilvra

State of OREGON

COUNTY of Columbia

This instrument was acknowledged before me on 12-20-2013, 20

by Thomas P. McGilvra

David J. Reed, Notary Public - State of Oregon
My commission expires: 8/22/2016

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SALEM, OR

Escrow:73813009704

EXHIBIT "A"

The Land has been classified as Forest, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the area commonly known as Rays Way

Matters contained in that certain Road Maintenance Agreement which document, among other things, may provide for liens and charges.

Executed by: Lawrence R. Jauron et al

Recording Date: April 24, 1997

Recording No: 97-04278

Reference is hereby made to said document for full particulars.

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SALEM, OR

APR. 8. 2003 / 4:49PM KEY TITLE ST. HELENS

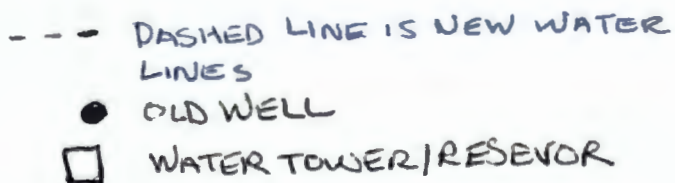
201
15.22.22

NO. 011 P. 5

N

KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS PROVIDED SOLELY TO ASSIST IN LOCATING SUBJECT PROPERTY. NO LIABILITY IS ASSUMED BY KEY FOR DISCREPANCIES IN THIS MAP AS OUTLINED AND THE ADDRESS. ANYTHING LEGAL DESCRIPTION.



SALEM, OR

9-4-79

BOOK 226 PAGE 321

EASEMENT

WHEREAS, FRANCIS E. MCGILVRA and LAURENE MCGILVRA, husband and wife, Grantors, are the owners a tract of land described as follows:

Parcel 1: Beginning at the Southeast corner of Government Lot 3, Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence Northerly along the East line of said Lot 3 a distance of 660 feet; thence West, parallel to the South line of said Lot 3, a distance of 660 feet; thence Southerly, parallel to the East line of said Lot 3, a distance of 660 feet to the South line of said Lot 3; thence East a distance of 660 feet to the point of beginning.

Parcel 2: Government Lot 4 in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, Northerly and Easterly of County Road EXCEPT tract described in deed recorded July 23, 1979 in Book 225, page 376, Deed Records of Columbia County, Oregon, and EXCEPT a second parcel described in deed recorded in Book 59, page 171, Deed Records of Columbia County, Oregon.

WHEREAS, RICHARD J. BAILEY and ELLEN M. BAILEY, husband and wife, Grantees, are the owners of a tract of land described as follows:

Beginning at the Northwest corner of the second parcel of the Raymond N. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon; said point being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon; thence Westerly along said South line of said McGilvra tract a distance of 480.0 feet; thence Southerly parallel to the West line of said second parcel of said Jauron tract, a distance of 181.5 feet; thence Easterly, parallel to said South line, a distance of 480.0 feet to said West line of said Jauron tract; thence Northerly along said West line a distance of 181.5 feet to the point of beginning.

WHEREAS, there is on Grantors' above described land, (Parcel 2) a well, together with pump, water pipe, and reservoir, (Parcel 1) used in connection therewith, belonging exclusively to Grantors.

5-59639
Recorded by
Francis McGilvra
Title Insurance Company

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SALEM, OR

9-4-79

BOOK 226 PAGE 322

Grantors convey to Grantees, their heirs, successors and assigns, a perpetual non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir on Grantors' property and the right to take water from said well and reservoir for domestic purposes and convey such water from the said reservoir or well to their above described property by pipe which may be placed on, in, over and across Grantors' above described land.

The terms of this easement are as follows:

1. Grantees shall have the right to use enough water from the well and reservoir to provide them with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantees may use, in cooperation with other granted users, as much water as they need to satisfy their domestic needs.

2. Grantees shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for their above described property and premises.

3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of Grantors' water and the water system, including well, pump, pipes and reservoir.

4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantees' rightful use.

5. This conveyance is made on the condition that Grantees shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.

6. This conveyance is also made on the condition that the Grantees shall keep and maintain the pipe used to convey water across Grantors' property to Grantees' property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.

Page Two - EASEMENT

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SALEM, OR

9-4-79

BOOK 226 PAGE 323

7. This conveyance is appurtenant to the real property owned by Grantees and described above. Grantees shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantees' above described property.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Francis E. McGilvra
Francis E. McGilvra

Laurene McGilvra
Laurene McGilvra

Richard J. Bailey
Richard J. Bailey

Ellen M. Bailey
Ellen M. Bailey

STATE OF OREGON }
County of Columbia } ss.

August 31 A.D. 1979

Personally appeared the above named Francis E. McGilvra and Laurene McGilvra, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
NOTARY PUBLIC
OF OREGON

NOTARIAL SEAL

Louis L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

STATE OF OREGON }
County of Columbia } ss.

August 31 A.D. 1979

Personally appeared the above named Richard J. Bailey and Ellen M. Bailey, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:
NOTARY PUBLIC
OF OREGON

Page Three - EASEMENT

Louis L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

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SALEM, OR

9-4-79

BOOK 226 PAGE 324
STATE OF OREGON) st. 6257
Columbia County)

I certify that the within instrument of
writing was received for record on the
4 day of Sept. 19 79
at 11:06 o'clock A. M.; recorded
in Book 224 on page 324
Records of Deeds
of said County.

Witness my hand and seal of County
affixed.

Reta C. Kerry

County Clerk.

By A. Nelson Deputy

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APR 02 2015

SALEM, OR

Appendix C-2

10-9-80

EASEMENT

BOOK 233 PAGE 109

WHEREAS, FRANCIS E. MCGILVRA and LAURENE MCGILVRA, husband and wife, Grantors, are the owners of a tract of land described as follows:

Parcel 1: Beginning at the Southeast corner of Government Lot 3, Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence Northerly along the East line of said Lot 3 a distance of 660 feet; thence West, parallel to the South line of said Lot 3, a distance of 660 feet; thence Southerly, parallel to the East line of said Lot 3, a distance of 660 feet to the South line of said Lot 3; thence East a distance of 660 feet to the point of beginning, EXCEPT a tract described in Book 227, page 483, Deed Records of Columbia County, Oregon and recorded October 29, 1979.

Parcel 2: Government Lot 4 in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, Northerly and Easterly of County Road EXCEPT tract described in deed recorded July 23, 1979 in Book 225, page 376, Deed Records of Columbia County, Oregon, and EXCEPT a second parcel described in deed recorded in Book 59, page 171, Deed Records of Columbia County, Oregon, and EXCEPT a third parcel described in deed recorded October 29, 1979 in Book 227, page 483, Deed Records of Columbia County, Oregon.

WHEREAS, THOMAS P. MCGILVRA, Grantee, is the owner of a tract of land described as follows:

A tract of land in Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at a point which is South 1320 feet and West 20 feet from the Northeast corner of Government Lot 3 in said Section 31, said point being the Northwest corner of the second parcel of the Raymond M. Jauron tract as described in Book 59, page 171, Deed Records of Columbia County, Oregon; said point also being on the South line of the Francis McGilvra et ux tract as described in Book 198, page 530, Deed Records of Columbia County, Oregon, said point also being the Southwest corner of an easement granted to Philip Jauron by Francis McGilvra, et ux, recorded in Book 223, page 762, Deed Records of Columbia County, Oregon; thence Westerly, along the South line of said McGilvra tract 480.0 feet; thence Northerly, parallel to the West line of said easement 85.0 feet to the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, page 483, Deed Records of Columbia County, Oregon and the true point of beginning of the parcel herein described;

ST. HELENS

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APR 02 2015

SALEM, OR

10-9-80

BOOK 233 PAGE 110

thence continuing North, parallel to the West line of said easement a distance of 181.5 feet; thence Easterly parallel with the North line of said Bailey tract a distance of 480.0 feet to the West line of said easement; thence Southerly, along the West line of said easement a distance of 181.5 feet to the Northeast corner of said Bailey tract; thence Westerly, along the North line of said Bailey tract a distance of 480.0 feet to the true point of beginning. Containing 2 acres, more or less.

WHEREAS, there is on Grantors' above described land (Parcel 2) a well, together with pump, water pipe, and reservoir, (Parcel 1) used in connection therewith, belonging exclusively to Grantors.

WHEREAS, Grantors have conveyed to Richard J. Bailey and Ellen M. Bailey, husband and wife, a non-exclusive easement to water rights and use of said well and reservoir as shown by easement recorded in Book 226, page 321, Deed Records of Columbia County, Oregon.

Grantors convey to Grantee, his heirs, successors and assigns, a perpetual non-exclusive easement to use, operate, maintain and repair the well, pump, water pipes and reservoir on Grantors' property and the right to take water from said well and reservoir for domestic purposes and convey such water from the said reservoir or well to their above described property by pipe which may be placed on, in, over and across Grantors' above described land.

The terms of this easement are as follows:

1. Grantee shall have the right to use enough water from the well and reservoir to provide him with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantee may use, in cooperation with other granted users, as much water as he needs to satisfy his domestic needs.
2. Grantee shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for his above described property and premises.
3. Grantee agrees to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantee's use of Grantors' water and the water system, including well, pump, pipes and reservoir.
4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantee's rightful use.

ST. HELENS

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APR 02 2015

SALEM, OR

10-9-80

BOOK 233 PAGE 111

5. This conveyance is made on the condition that Grantee shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.

6. This conveyance is also made on the condition that the Grantee shall keep and maintain the pipe used to convey water across Grantors' property to Grantee's property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.

7. This conveyance is appurtenant to the real property owned by Grantee and described above. Grantee shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantee's above described property.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

Francis E. McGilvra
Francis E. McGilvra

Laurene M. McGilvra
Laurene McGilvra

GRANTORS

Thomas P. McGilvra
Thomas P. McGilvra

GRANTEE

STATE OF OREGON)
County of Columbia) ss,

October 7 A.D., 1980

Personally appeared the above named Francis E. McGilvra and Laurene McGilvra, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Lois L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

Page 3 - EASEMENT

ST. HELENS

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APR 02 2015

SALEM, OR

10-9-80

BOOK 233 PAGE 112

STATE OF OREGON)
County of Columbia) ss. October 8 A.D., 1980

Personally appeared the above-named Thomas P. McGilvra, and
acknowledged the foregoing instrument to be his voluntary act
and deed.

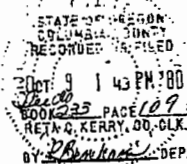
Before me:

Lair L. Anderson
Notary Public for Oregon
My commission expires: 11-16-81

NOTARIAL SEAL



6633



Page 4 - EASEMENT

ST. HELENS

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APR 02 2015

SALEM, OR

WELL OWNERSHIP AND EASEMENT

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

Note: See attached document (Exhibit AA).

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WATER RESOURCES DEPT
ST. HELENS, OREGON

Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

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Return to
McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of

By: May, 2009.
Richard J. Bailey

Ellen M. Bailey

State of Oregon }
 } ss
County of Columbia }

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WATER RESOURCES DEPT
SALEM, OREGON

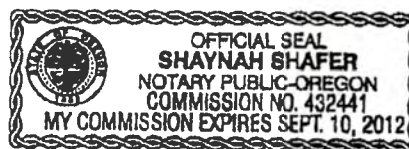
On this day personally appeared before me

Richard J. Bailey
Ellen M. Bailey

known to me to be the individual §
who executed the foregoing instrument, and
acknowledged that Richard and Ellen Bailey
signed the same as Grantors
free and voluntary act and deed, for the uses
an and purposes herein mentioned.

Given under my hand and official seal this 7
Day of May, 2009.

[Signature] Notary Public
in and for the State of Oregon
residing at SHCFU.



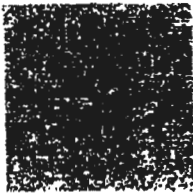
My commission expires: SEPT 10 2012

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SALEM, OR

G-17282

**REYNOLDS
LAND
SURVEYING,
INC.**32990 Stone Road
Warren, OR 97053
(503) 397-5516
Fax (503) 397-5518**RECEIVED**

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WATER RESOURCES DEPT
SALEM, OREGON

July 3, 2007

McGivra Trust
Legal Description
Southerly Adjusted Tract

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGivra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.85 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03380, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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WATER RESOURCES DEPT
SALEM, OREGON

A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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SALEM, OR



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
ATTN: RICHARD LOUIE
PO BOX 260
SAINT HELENS, OR 97051

December 18, 2009

Reference: File G-17282

Dear Mr. Louie:

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

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

Initial Review Determinations:

1. The application proposed the use of 1.0 cubic foot per second (CFS) of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from well McGilvra #2 in Milton Creek Basin for municipal use is allowable under the Willamette Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

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

5. McNulty Water People's Utility District is a municipal corporation. Municipal corporations qualify for municipal use, however, they do not qualify for quasi-municipal use. Per your application materials, it is unclear if you intended to apply for municipal use or quasi-municipal use. Unless you submit additional clarification to the Department by **Thursday, January 21, 2010**, the Department will continue to process your application for municipal use.
6. Please refer to the **Additional Information Requested** section below for specific information regarding public notice to affected landowners.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the submitted Land Use Information Form.

Summary of Initial Determinations

The use of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use is allowable during the full period requested.

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

Additional Information Requested

Newspaper Publication Requested

You indicated on the application form that you do not own all the land where you propose to divert, transport, and use water. OAR 690-310-0020(1) requires the Department to provide notice to all affected landowners prior to issuing a permit. OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application once each week for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

The Department requests that you have the required notice published. The language to be used in the notice is attached. A copy of the affidavit of publication must be submitted to the Department following completion of the notice period. If the three weekly notices have not been published within 45 days from the date of this Initial Review, please submit a receipt demonstrating that this process has been initiated.

Additional Information Required

Additional information is required prior to issuance of any Proposed Final Order that may recommend permit approval.

Under OAR 690-005-0035 (2)(d), the Department must receive a completed Land Use Information Form or a receipt signed and dated by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan. It appears that the Land Use Information Form submitted with your application only includes approval for a portion of lands where water will be diverted, conveyed, and used being, taxlot 404, SWSE, section 31, T5N, R1W, W.M. A copy of your Land Use Information Form is enclosed for your convenience.

Please submit land use approval for all lands where you propose to divert, convey and use water no later than Thursday, January 14, 2010. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, January 1, 2010**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - C. The permittee shall allow 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.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. The well shall produce ground water from no shallower than 125.0 feet below land surface.

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

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General

questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

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

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17282
WAB 2- NA
POU 2- NA
GW

APPLICATION FACT SHEET

Application File Number: G-17282

Applicant: MCNULTY WATER PEOPLE'S UTILITY DISTRICT

County: COLUMBIA

Watermaster: 18

Priority Date: NOVEMBER 4, 2009

Source: WELL MCGILVRA #2 IN MILTON CREEK BASIN

Use: MUNICIPAL USE

Quantity: 1.0 CFS

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 4 MILTON CR

Well McGilvra #2 Location: SWSE, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

Place of Use:

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
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SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
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SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
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SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
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SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 6

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SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
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SECTION 8

TOWNSHIP 4 NORTH, RANGE 1
WEST, W.M.

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SE ¼ NE ¼
NE ¼ NW ¼
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SE ¼ SE ¼
SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$
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 SECTION 2

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 SECTION 12

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SECTION 13
P 4 NORTH,
WEST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 30

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 SECTION 31

TOWNSHIP 5 NORTH, RANGE 1
WEST, W.M.

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NE	$\frac{1}{4}$	SW	$\frac{1}{4}$
NW	$\frac{1}{4}$	SW	$\frac{1}{4}$
SW	$\frac{1}{4}$	SW	$\frac{1}{4}$
SE	$\frac{1}{4}$	SW	$\frac{1}{4}$
NE	$\frac{1}{4}$	SE	$\frac{1}{4}$
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SW $\frac{1}{4}$ SE $\frac{1}{4}$
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SECTION 25

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SECTION 26

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SECTION 35

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SECTION 36

TOWNSHIP 5 NORTH, RANGE 2
WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 1, 2010

PUBLIC NOTICE DATE: Tuesday, December 22, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, January 21, 2010

Mailing List for IR Copies

Application #G-17282

IR Date: December 18, 2009

Original mailed to applicant:

RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT, PO BOX 260, SAINT HELENS, OR 97051

Copies sent to:

1. WRD - File # G-17282
2. WRD - Water Availability: Ken Stahr
3. Regional Well Inspector: NW

Copies Mailed**By:** _____
(SUPPORT STAFF)**on:** _____
(DATE)**IR, Map, and Fact Sheet Copies sent to:**

4. WRD - Watermaster # 18

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):**Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)**

4. John Borden

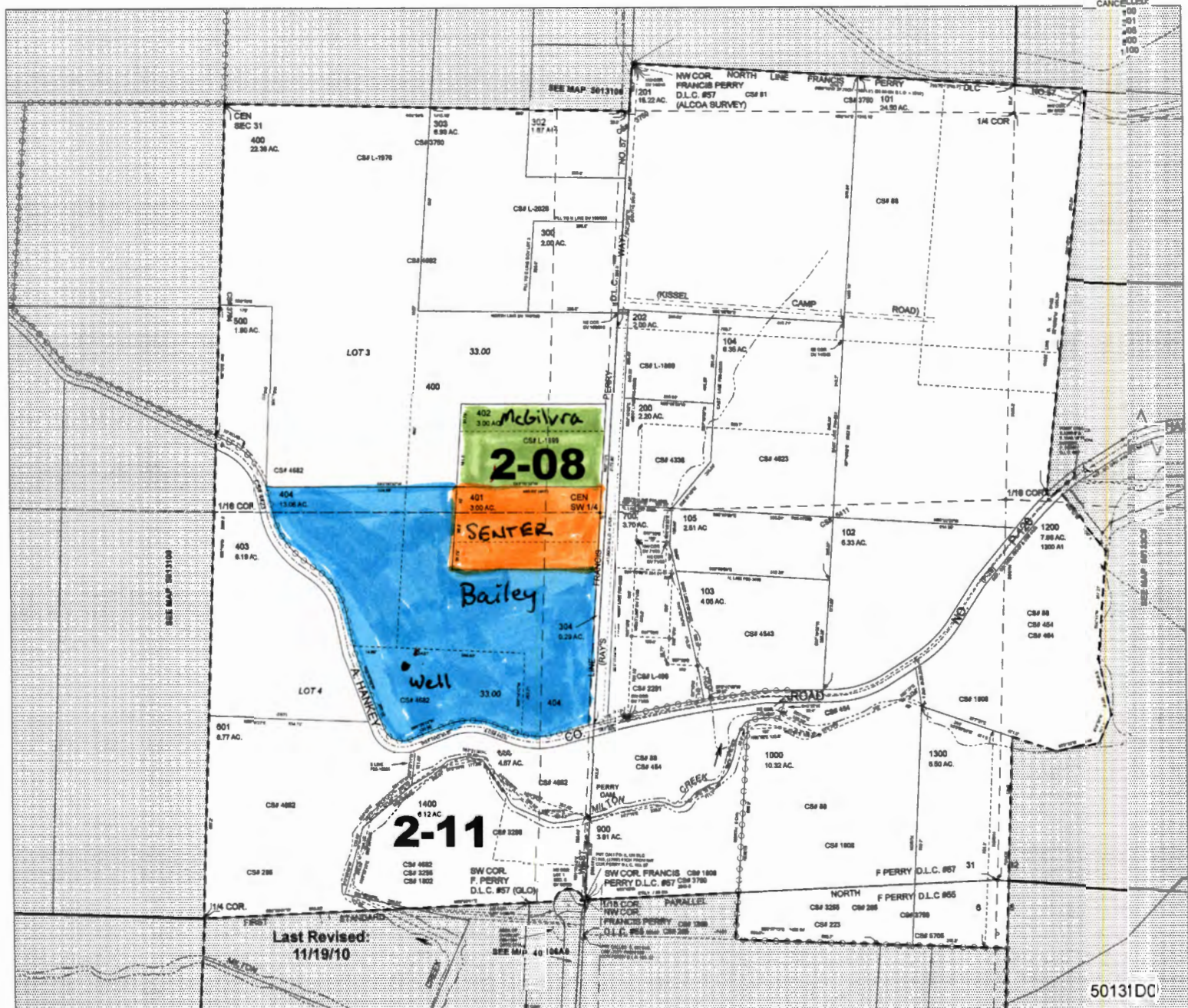
Caseworker: Brook Geffen

COPYSH.T.IR

REMINDER: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

S.E.1/4 SEC.31 T.5N. R.1W. W.M.
COLUMBIA COUNTY
1" = 200'

50131D0





Oregon Water Resources Department 725
Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

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WATER RESOURCES DEPT
SALEM, OREGON

A. Individuals

Applicant: _____
First Last

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: McNulty Water PUD

Name and Title of Person Applying: Richard Louie, President

Mailing Address or Organization: 34240 Millard Road % PO Box 260

St. Helens OR 97051
City State Zip

Phone: 503-397-1301 503-397-1301 (Message Machine)
Day Evening

*Fax: 503-366-5616 *Email Address: % pat2006@guestoffice.net

*Optional

For Department Use

App. No. G-17282

Permit No. _____ Date _____

Last Updated: 3-31-2009

W'R

Ground Water 1

2. PROPERTY OWNERSHIP

☐ Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

☐ There are no encumbrances

☐ This land is encumbered by easements, rights of way, roads or other encumbrances
(please provide a copy of the recorded deed(s))

☒ No (Please check the appropriate box below)

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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

List the names and mailing addresses of all affected landowners.

More than 25 landowners are involved in this application. Therefore we presume that WRD will provide the notice required pursuant to ORS 537.130(3). Please advise the PUD of the publication cost so that we may pay in accord with ORS 537.130(4) promptly so as to keep the application review process moving along.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: 265 feet to PART Creek

Distance from well(s) to nearest stream or lake:

1) 265 feet 2) 1/2 mile to 3) _____ 4) _____
SE of Part CK Perry CK

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

Well = 160' MSL

1) Part CK = 110' 2) Perry CK = 360' 3) _____ 4) _____

50 ft below well
B. Well Characteristics 200 ft above well

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 constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Turner Well Drilling

~~Re~~ Rather than reconstruct well COLU 1225 (see log), the PUD well will replace it. We may drill deeper depending on what the driller recommends.

Mailing Address: 536 93 Columbia River Hwy

Scappoose
City

OR
State

97056
Zip

Completion Date: October 1, 2011

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Please see the attached well log COLD 1225.									
We may drill deeper depending on what the driller recommends.									

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

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C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

We do not expect artesian flow at ground surface, but there may be artesian rise.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M** - Form M is attached.
- If your proposed use is **commercial/industrial**, attach **Form Q**

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
McGilvra #2	(See Well Log COCU)		1225		
		P/M	449	236,000,000	449

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year Round (Feb - 11/4/2009)

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A

(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

☒ Pump (give horsepower and pump type): Submersible - HP to be determined

☐ other means (describe): _____

B. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 8-inch Length 800 feet (This will allow a connection to the PUD's existing distribution system. Eventually, a 2-mile 8-inch PVC line will be constructed to deliver water to the Robinsone Reservoir.)

☒ other, describe: 8-inch PVC line will be constructed to deliver water to the Robinsone Reservoir.

Ground Water-4

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SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

An existing water distribution system and extensions thereto will deliver water to individual water users via meters at or near each O/M POU.

Irrigation or land application method (check all that apply): N/A

☐ Flood

☐ High pressure sprinkler

☐ Low pressure sprinkler

☐ Drip

☐ Water Cannons

☐ Center pivot system

☐ Hand Lines

☐ Wheel Lines

☐ Siphon tubes or gated pipe with furrows

☐ other, describe: _____

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SALEM, OREGON

Distribution method

☒ Direct pipe from source

☒ In-line storage (tank or pond)

☐ Open Canal

Robinette Reservoir

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

The PUD has an approved "Water Management and Conservation Plan" prepared pursuant to Permit G-12834 for which a CGBU and map were recently submitted to WRD. The PUD's current & proposed conservation activities and measures are described in said Conservation Plan.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: October 1, 2011

Proposed date construction will be completed: February 1, 2012

Proposed date beneficial water use will begin: April 1, 2014

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

A Claim of Beneficial Use and Map of the PUD's water distribution system was recently filed for the Robinette well pursuant to Permit G-15227. The relationship of all PUD wells is described therein.
Also, the PUD currently has an Aquifer Storage & Recovery Limited License Application pending with the Department.

8. MAP REQUIREMENTS

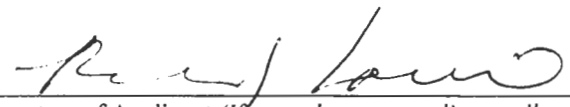
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- ☒ I am asking to use water specifically as described in this application.
- ☒ Evaluation of this application will be based on information provided in the application packet.
- ☒ I cannot legally use water until the Water Resources Department issues a permit to me.
- ☒ If I get a permit, I must not waste water.
- ☒ If development of the water use is not according to the terms of the permit, the permit can be canceled.
- ☒ The water use must be compatible with local comprehensive land use plans.
- ☒ Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:


 Signature of Applicant (If more than one applicant, all must sign.)

10-24-09
 Date

Before you submit your application be sure you have:

- ☒ Answered each question completely.
- ☒ Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- ☒ Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ☒ Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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GW Box = 1000⁰⁰
 2nd cfs = 250⁰⁰
 Recording = 400⁰⁰
 ✓ \$1,650⁰⁰

WRD on the web:
www.wrd.state.or.us

The original and first copy of this report are to be filed with the

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MAY 2 - 1972

WATER WELL REPORT

STATE OF OREGON

STATE ENGINEER, SALEM, OREGON
within 30 days from the date of well completion.

STATE ENGINEER (Please type or print)

SALEM, OREGON

(Do not write above this line)

State Well No.

5N/W 31

State Permit No.

(1) OWNER:

Name Francis E. McGilvra
Address Rte 2 Box 679 St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

) CASING INSTALLED:

6" Diam. from 0 ft. to 31 ft. Gage 4, wall
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations in. by in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

air
pump test 30 gal./min. with 105 ft. drawdown after 1 hrs.

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 31 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 2 sacks

Number of sacks of bentonite used in well seal _____ sacks

Brand name of bentonite _____

Number of pounds of bentonite per 100 gallons of water _____ lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number _____
1/4 1/4 Section 31 T. 5-N R. 1 W.M. _____

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 155 ft.

Static level 75 ft. below land surface. Date 4-26-72

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 200 ft. Depth of completed well 200 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	3	
Brown Clay	3	10	
Yellow clay	10	20	
Blue Clay	20	25	
Blue Hard rock	25	70	
Brown med. rock	70	120	
Blue med. rock	120	155	
Brown broken rock	155	180	
Blue med. rock	180	190	
Black lava rock	190	200	

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Work started 4-26-72 19 Completed 4-26-72 19

Date well drilling machine moved off of well 4-26-72 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Ralph Turner Date 5-1-72 19

(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ralph Turner Drilling Co.

(Person, firm or corporation)

(Type or print)

Address Rte 1 Box 141 Hillsboro, Oregon

[Signed] Ralph Turner

(Water Well Contractor)

Contractor's License No. 247 Date 5-1-72 19

WELL OWNERSHIP AND EASEMENT

McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Return to

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

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Note: See attached document (Exhibit AA).

Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of

By: May, 2009. Richard L. Bailey

Ellen M. Boutney

State of Oregon }
County of Columbia }

ss

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WATER RESOURCES DEPT
SALEM, OREGON

On this day personally appeared before me

Richard J Bailey
Ellen M. Bailey

known to me to be the individual S
who executed the foregoing instrument, and
acknowledged that Richard and Ellen Bailey
signed the same as Grantors
free and voluntary act and deed, for the uses
an and purposes herein mentioned.

Given under my hand and official seal this 7
Day of May, 2009.

[Signature] Notary Public
in and for the State of Oregon
residing at SHCFU.



My commission expires: SEPT 10 2012

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

☐ Off

☒ On

County: Columbia

Taxlot: 5N1W31D0 404

Owner1: BAILEY RICHARD J & ELLEN M

Owner2:

Owner Address: PO BOX 613 ST HELENS OR 97051

Site Address: 34617 HANKEY RD ST HELENS

Acres: 3

TRISQ: WM5.00N1.00W31XXSE

Effective Date: January 1, 2014

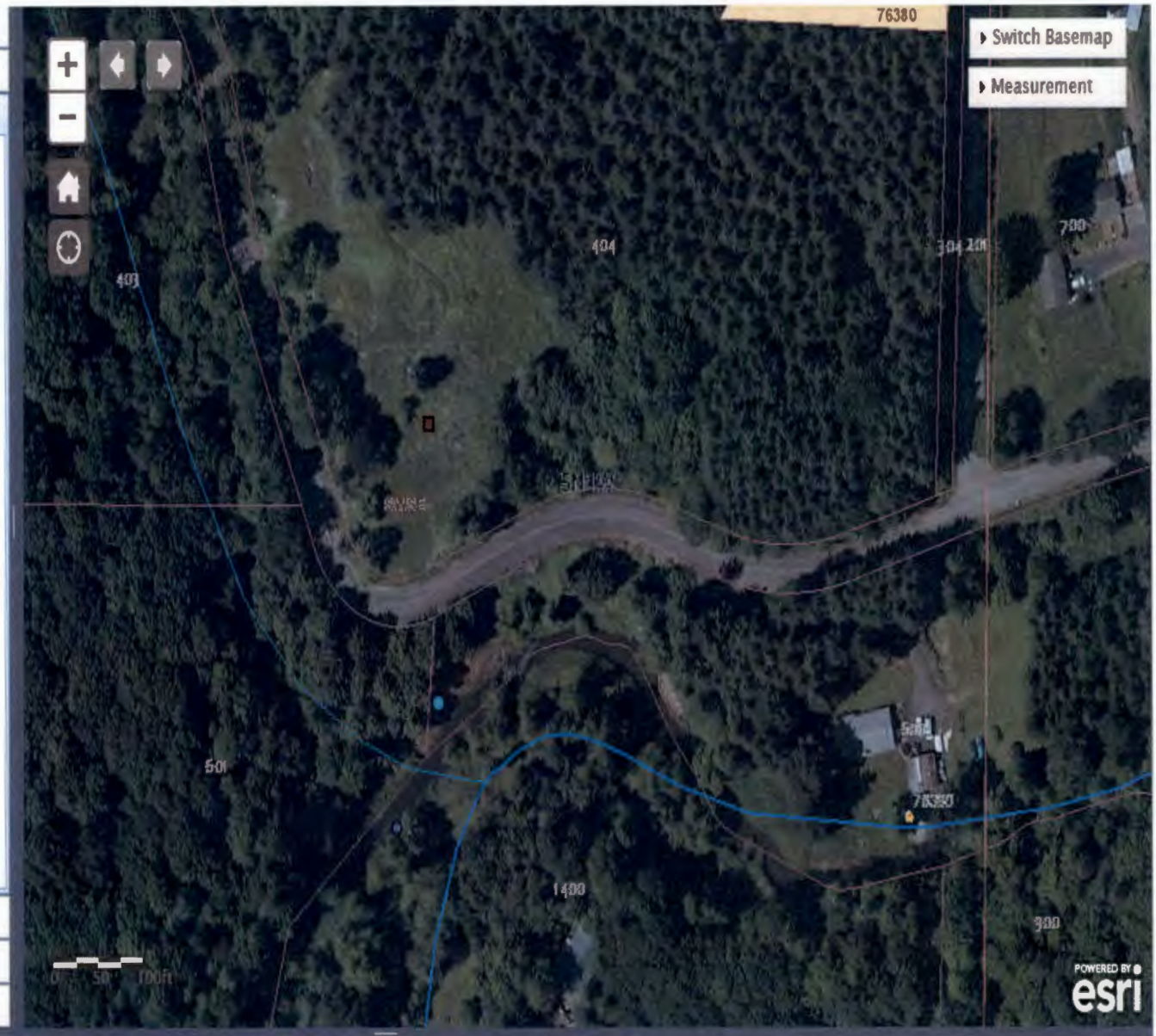
Note: Tax lot information provided here is for general query purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

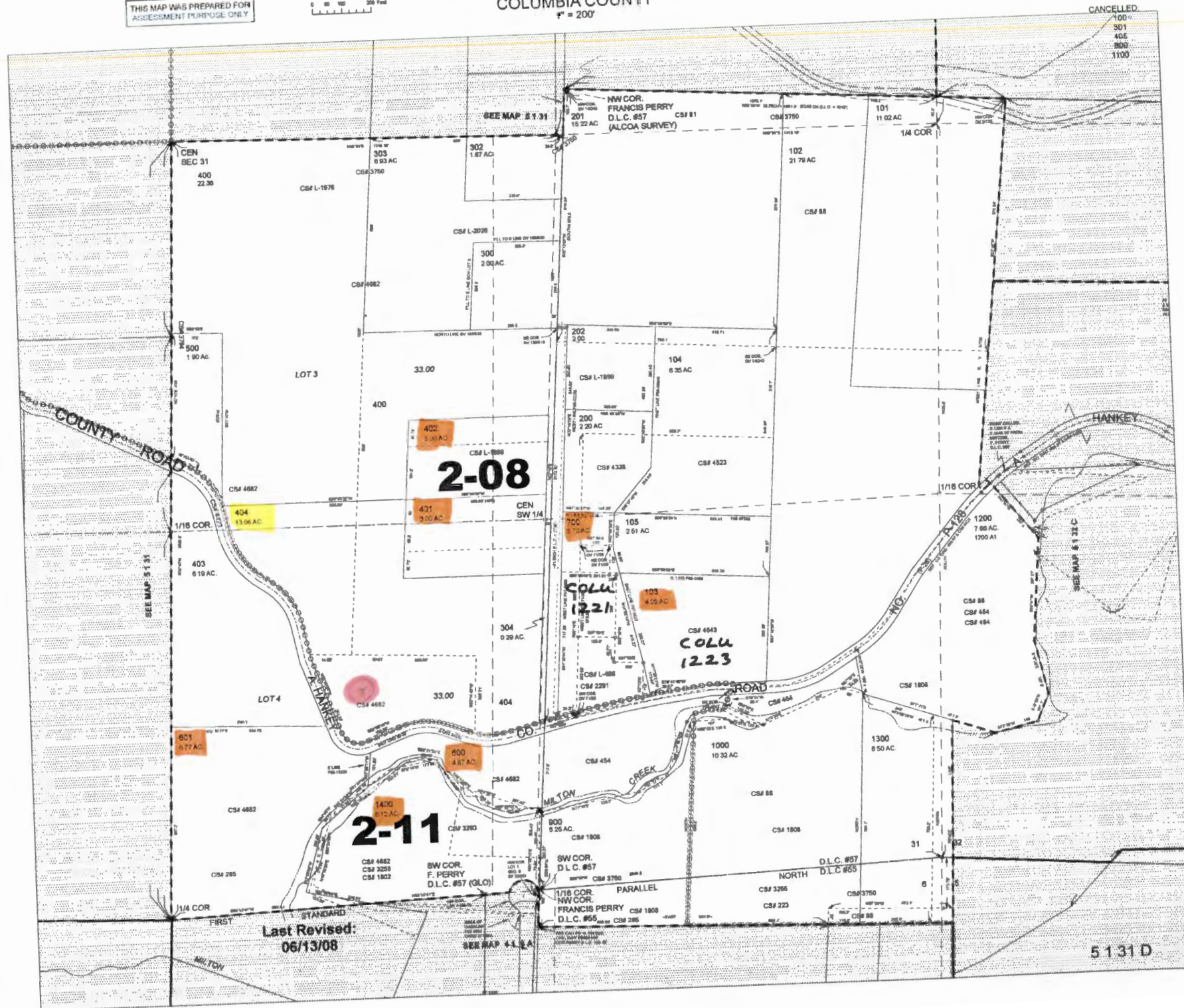
It is recommended to zoom to a detailed extent before query.

Tools

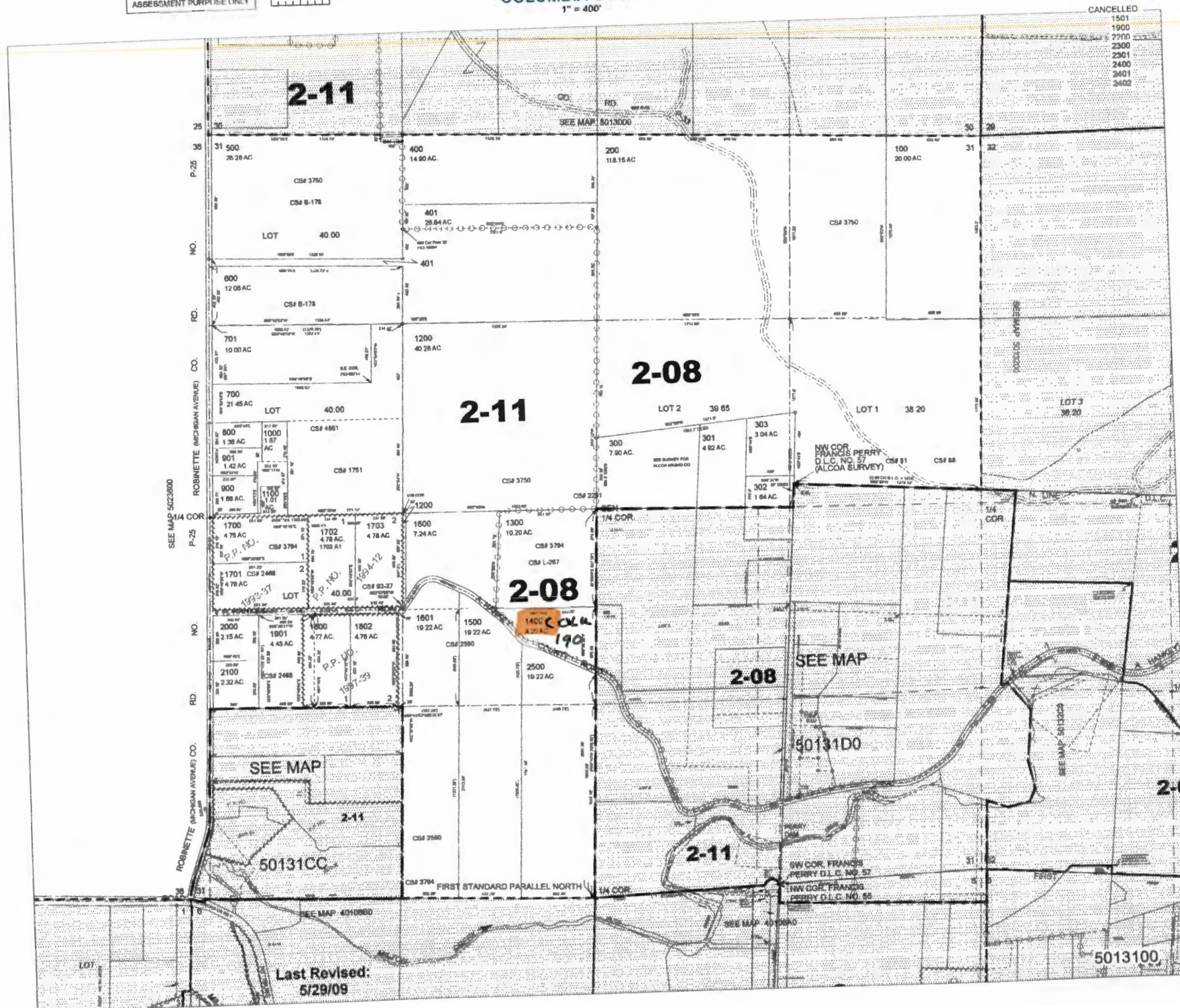
Layers

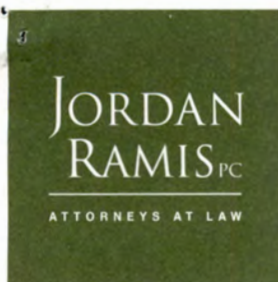
Bookmarks





THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



**Lake Oswego**

Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
503-598-7070
www.jordanramis.com

Vancouver

1499 SE Tech Center Pl., #380
Vancouver, WA 98683
360-567-3900

Bend

360 SW Bond St., Suite 510
Bend, OR 97702
541-647-2979

VIA E-MAIL & FIRST CLASS MAIL

March 31, 2015

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APR 02 2015

SALEM, OR

Tim Wallin
Water Rights Manager
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301
wallinte@wrdd.state.or.us

Re: **Application G-17282 / Permit G-16779**
Our File No. 52545-73316

Dear Tim:

On behalf of our clients, Dave and Carol Senter and Don McGilvra ("Senter-McGilvra"), I am writing to provide a summary of the concerns we addressed during our meeting last week regarding Permit G-16779 (the "Permit") issued to the McNulty Water People's Utility District ("PUD"). As we discussed, Senter-McGilvra take issue with the fact the Permit was granted by the Oregon Water Resources Department (the "Department") in reliance on certain statements in the underlying permit application G-17282 (the "Application") which were incomplete and, therefore, not true. These statements ignored Senter-McGilvra's property interests in and to the existing well (COLU 1225) identified in the Application (the "Well"), their perpetual rights of access to and use, operation and maintenance of the Well, and their perpetual rights to withdraw ground water from such facility for the benefit of their nearby properties. Because the Application failed to list Senter-McGilvra as affected parties, Senter-McGilvra were never provided notice of the Application itself thereby denying them the ability to contest its submittal and subsequent approval.

Background and Discussion

Dave and Carol Senter are fee owners of Tax Lot 401 ("Senter Property") and Don McGilvra is the fee owner of the adjacent property to the north, Tax Lot 402 ("McGilvra Property"), all as located in the Southeast 1/4 of Section 31, Township 5 North, Range 1 West, of the Willamette Meridian, in Columbia County. Copies of the deeds confirming fee title to these properties in Mr. and Mrs. Senter and Mr. McGilvra respectively are attached as *Appendices A-1 and A-2*.

The Well is located on Tax Lot 404 which is owned by Rich and Ellen Bailey. An Assessor map marked up by Senter-McGilvra showing the location of the tax lots to each other and generally locating the Well on Tax Lot 404, and the related water tower and the water lines from the Well to the Senter and McGilvra Properties is attached as *Appendix B*.

Mr. and Mrs. Senter's and Mr. McGilvra's separate interests in and to the Well, their perpetual rights of access to and use, operation and maintenance of the Well, and their perpetual rights to withdraw ground water from the Well for the benefit of their respective properties are confirmed under separate easements. The easement appurtenant to the Senter Property was executed on August 31,

Tim Wallin
March 31, 2015
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1979 and recorded on September 4, 1979 in Book 226 at Page 321 in the real property records of Columbia County (the "Senter Water Supply Easement"). The easement appurtenant to the McGilvra Property was executed on October 7, 1980 and recorded on October 9, 1980 in Book 233 at Page 109 in the real property records of Columbia County (the "McGilvra Water Supply Easement"). Copies of the easements are attached hereto as *Appendix C-1* (benefitting the Senter Property) and *Appendix C-2* (benefitting the McGilvra Property). But for the identification of the properties they benefit and the names of the grantor and grantees, the material terms and conditions of the Senter Water Supply Easement and the McGilvra Water Supply Easement are essentially identical. In pertinent part, and with both Mr. and Mrs. Senter and Mr. McGilvra possessing the rights of "grantees" in the chain of title, each easement contains the following provisions on pages 2 - 3:

1. Grantees shall have the right to use enough water from the well and reservoir to provide them with at least 5 gallons of water per minute over a four hour period. In addition, in the event there is a sufficient water supply available in the reservoir to provide each granted user his rightful amount needed for domestic use and fire protection, Grantees may use, in cooperation with other granted users, as much water as they need to satisfy their domestic needs.
2. Grantees shall have the right of access to and from Grantors' reservoir and to use as much water from the reservoir that is needed to provide adequate fire protection for their above described property and premises.
3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of Grantors' water and the water system, including well, pump, pipes and reservoir.
4. Grantors reserve the right to use and to convey to others the right to use the water contained in their well and reservoir so long as Grantors use and subsequent conveyances do not interfere with Grantees' rightful use.
5. This conveyance is made on the condition that Grantees shall share equally with Grantors and any subsequent users of the water from Grantors' well, all of the expenses connected with the operation of said well, pump, pipes and reservoir and keeping the same in maintenance and repair.
6. This conveyance is also made on the condition that the Grantees shall keep and maintain the pipe used to convey water across Grantors' property to Grantees' property in good order so that there will be no leakage or seepage therefrom, or any other effects that may cause injury to the land and premises of the Grantors.
7. This conveyance is appurtenant to the real property owned by Grantees and described above. Grantees shall not give, sell, devise, convey or otherwise cause water taken from Grantors' well or reservoir to be used for any purpose not located on Grantees' above described property.

In 2009, the PUD purchased from the then owners of Tax Lot 404 the Well and an easement within 100 feet of the Well to drill a new well upon the same property (the "PUD Well and Easement

Tim Wallin
March 31, 2015
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Agreement"). A copy of the PUD Well and Easement Agreement, which was also submitted with the Application, is attached as *Appendix D*. Given that the Senter Water Supply Easement and the McGilvra Water Supply Easement were of public record and encumbered the Well and related portions of Tax Lot 404, the PUD possessed record notice of the encumbrances placed by the Senter Water Supply Easement and the McGilvra Water Supply Easement. By example only, further evidence of the PUD's advance notice that third parties possessed a legal interest in such assets prior to the PUD's purchase of the Well is shown in paragraph No. 1 on page 1 of the PUD Well and Easement Agreement. Although not binding on Senter-McGilvra as they were not parties to such agreement, among future obligations to be assumed by the PUD was the provision of "Two (2) water services to existing users on the well until their individual property changes ownership." The only two properties receiving water from the Well at that time were the Senter Property and the McGilvra Property. As shown in the Application and by their subsequent conduct to date, the PUD has proceeded with the intention of never respecting the Senter-McGilvra rights and interests previously confirmed in them under their respective Water Supply Easements.

The PUD Application

The PUD's Application never disclosed to the Department the existence of the Senter-McGilvra Water Supply Easements and the extent to which such interests encumbered the land, the Well, and the ground water from the Well.

The Application makes no mention of the fact that the PUD (a) *did not possess* a unilateral and otherwise unencumbered right to replace the Well as called out in the Application in order to replace the same with a new and much bigger well, and (b) *did possess then and continues to possess* a legal obligation to allow for, and to assume a proportionate share of the cost associated with, the continued operation of the Well by and with Mr. and Mrs. Senter and Mr. McGilvra. Further, absent disclosing or accounting for the legal obligations the PUD owed to Senter-McGilvra, PUD representations made specifically in Sections 2 of the Application were both incomplete and, therefore, not true.

Section 2: Property Ownership

Although the PUD correctly answered under Section 2 of the Application that it did not own "all lands associated with the project from which the water is to be diverted, conveyed, and used," it incorrectly answered that it possessed "a recorded easement or written authorization permitting access." As discussed above, the PUD did acquire the underlying title to the Well, the ground water as may be withdrawn from the Well and the land upon which the Well is located and which surrounds the Well. As also discussed above, however, the PUD took title to all such interests subject to the prior encumbrances of record established by the Senter Water Supply Easement and the McGilvra Water Supply Easement. By submitting the Application less any recognition of the Senter-McGilvra interests, the Application makes false representations. By doing so, the PUD avoided any consideration by the Department of the extent to which the Senter-McGilvra easements on and across Tax Lot 404 and use of the Well and the ground water therefrom (which would source any new well ultimately completed by the PUD) may be adversely affected by the Application. With the PUD's failure to disclose the Senter-McGilvra recorded interests in the Application, the Permit may be subject to cancellation. ORS 537.139(2).

Tim Wallin
March 31, 2015
Page 4

Section 2: Notice to all affected landowners

Any allowance for perfection of the Permit as-is would be unlawful where Senter-McGilvra were never afforded notice of the opportunity to comment on the Application and contest any subsequent issuance of the Permit. As you know, Section 2 of the Application also requires the applicant to list the "names and mailing addresses of all affected landowners." However, and although fully aware of the Senter-McGilvra interests, the PUD failed to list Mr. and Mrs. Senter or Mr. McGilvra as affected landowners.

Finally, three years following the PUD's purchase of the Well, it disconnected Senter-McGilvra from the Well without their prior approval and hooked them up to the PUD's water line. Since that time, the PUD either directly, or with the assistance of the parties from whom they purchased the Well, have repeatedly pressured Senter-McGilvra to (a) execute documents conveying all their interests in their respective Water Supply Easements to the PUD, (b) execute water service agreements with the PUD, and (c) to pay for PUD water provided to date. Neither Mr. and Mrs. Senter nor Mr. McGilvra have ever agreed to the execution of such documents or the provision of payment for PUD water service.

There is no legal authority to maintain a water rights permit that would result in the loss of or harm to a third party's real property interests when such party was never afforded an opportunity to initially challenge the issuance of the permit. In consideration of the PUD's conduct, Mr. and Mrs. Senter and Don McGilvra request that the Department:

1. Make a preliminary determination that, based on the information before it, the Department does not recognize Permit G-16779 as being necessarily valid; and
2. Maintain such determination until the earlier occurrence of: (a) Senter-McGilvra's submittal to the Department of a fully executed written agreement with the PUD resolving the parties' dispute; or (b) the Department making a determination the Permit be subject to cancellation as a matter of law.

Should you have any comments or questions regarding the above or wish any additional information, please do not hesitate to contact me.

Sincerely,

JORDAN RAMIS PC

Peter D. Mohr

Admitted in Oregon, Washington, and Colorado
Peter.Mohr@jordanramis.com
OR Direct Dial (503) 598-5529

Enclosures

cc: Clients

RECEIVED BY OWRD

APR 02 2015

SALEM, OR



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

November 6, 2014

AKS Engineering & Forestry, LLC
Attn: John P. Christiansen, PE
12965 SE Herman Road, Suite 100
Tualatin, OR 97062

RE: Request for Additional Time to Submit Municipal Water Management and Conservation Plan for McNulty Water People's Utility District

Dear Mr. Christiansen:

We received your request, on behalf of McNulty Water People's Utility District (District), for additional time to submit the District's Water Management and Conservation Plan (WMCP). The District recently upgraded software to support its SCADA system. This upgrade was originally scheduled to be completed in August 2014; however, it was not completed until late October. The additional time is necessary to allow the migration of historic water use data into the new software, which will ultimately provide the database needed to complete and support the WMCP.

Pursuant to OAR 690-086-0920, the request is granted. The new deadline for submittal of the plan is **June 1, 2015**.

In light of this approval for additional time to submit your WMCP, the Department would like to highlight how this could affect water use permit(s) you may hold.

- "Development Limitation" Conditions for Extended Water Use Permits: Please be aware that if access to water under a currently extended permit has been limited, *(as specified either under a final order extending the permit or in a final order approving a previous WMCP)*, the diversion of any portion of the remaining undeveloped quantity of water allowed under the permit *(i.e., beyond the limitation)* may only be granted through the request in and approval of an updated WMCP [OAR 690-315-0090(3) and OAR 690-086-0915(4)].
- Certification of Water Use Permits: Failure to submit a WMCP required by a condition set forth in a water use permit may result in potential problems related to requesting certification of that water use permit.

Please do not hesitate to contact Lisa Jaramillo, of the Department staff if we can be of further assistance. Lisa's telephone number is 503-986-0880 and her e-mail address is Lisa.J.Jaramillo@wrdd.state.or.us.

Sincerely,

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

cc: WMCP file
Jake Constans, District #18 Watermaster
McNulty Water PUD, Attn: Jeff Anderson, PO Box 260, St. Helens, OR 97051

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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

STATE OF OREGON

COUNTY OF COLUMBIA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
PO BOX 260
SAINT HELENS, OR 97051

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

APPLICATION FILE NUMBER: G-17282

SOURCE OF WATER: WELL MCGILVRA #2 IN MILTON CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 4, 2009

WELL LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS: WITHIN THE SERVICE BOUNDARY OF THE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow 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.

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

(1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
- (b) A total water level decline of fifteen or more feet; or
- (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).

- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification

as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).

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

The well shall produce ground water from no shallower than 125.0 feet below land surface.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

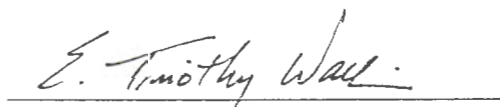
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

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

Issued August 23 , 2010



for Phillip C. Ward, Director
Water Resources Department

Oregon Water Resources Department
Water Rights/Adjudications Division

Water Rights Application
Number G-17282

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. 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 CAR 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Application History

On November 4, 2009, McNulty Water People's Utility District submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 8, 2010. The protest period closed July 23, 2010, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the place of use as "within the service boundary of the McNulty Water People's Utility District".

Order

Application G-17282 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-16779 is issued as limited by the conditions set forth therein.

DATED August 23, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

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

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

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

Mailing List for FO Copies

Application #G-17282

Original mailed to applicant with claim of beneficial use form:

RICHARD LOUIE
MCNULTY WATER PEOPLE'S UTILITY DISTRICT
PO BOX 260
SAINT HELENS OR 97051

Copies sent to:

1. WRD - File # G-17282
2. WRD - Ken Stahr

Copies Mailed	
By: <u>AS</u>	(SUPPORT STAFF)
on: <u>8/24/10</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 18
4. WRD - Regional Well Inspector: NW

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

5. John Borden, CWRE #372
John Borden Consulting, 5597 River Street, West Linn OR 97068

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies.

CASEWORKER : Kerry Kavanagh

Point of Diversion Characteristics

Right:	App:G 17282 *
Name:	MCNULTY WATER PEOPLE'S UTILITY DISTRICT RICHARD LOUIE

TRSQQ: 05.00N-01.00W-31-SWSE Digital Map of TRSQQ

County: Columbia

Basin: Willamette

WM District: 18

WM Region: NW

Withdrawn Area: MILTON CREEK

WAB: MILTON CR > SCAPPOOSE BAY - AT MOUTH (30201201)

Priority WAB: MILTON CR @ mouth (30201201)

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: LOWER COLUMBIA

Water Quality Limited: Yes

690-502-0160

1. Groundwater Classifications and Conditions

(1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The groundwater resources of the Willamette Basin are classified for domestic, livestock, irrigation, **municipal**, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses except as described in OAR 690-502-0170 to 690-502-0210.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: Upper Willamette River Basin Program: WRB 8, f. 4-21-59?; WRB 19, f. 6-5-62; WRB 27, f. 5-11-64; WRB 30, f. 7-3-64; WRD 9-1980, f. & cert. ef. 11-26-80; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Middle Willamette River Basin Program: WRB 29, f. 7-1-64; WRB 32, f. 7-27-65; WRB 11-1985, f. & cert. ef. 9-5-85; Lower Willamette River Basin Program: WRB 35, f. 6-10-66; WRB 40, f. 9-6-68; WRB 42, f. 5-1-70; WRB 47, f. 4-30-71; WRB 63, f. 6-5-75; WRD 2, f. 11-5-76; WRD 7-1980, f. & cert. ef. 8-12-20; WRD 1-1980, f. & cert. ef. 12-19-80; WRD 11-1985, f. & cert. ef. 9-5-85, WRD 3-1986(Temp), f. & cert. ef. 3-11-86) WRD 4-1992, f. & cert. ef. 3-13-92, Renumbered from 690-080-0021 - 690-080-0023; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94; WRD 13-1994, f. & cert. ef. 11-7-94; WRD 3-2003, f. & cert. ef. 12-4-03

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:G 17282 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acre
<u>CLAIM:GR 4051 *</u>	EMMA M SAXTON					3/8/1954	NC	GD	04.00N-01.00W-08-SWSW			
<u>CLAIM:GR 1040 *</u>	WALTER RINEHART					7/31/1954	NC	IR	04.00N-01.00W-07-SESE			3.5400
<u>CLAIM:GR 3135 *</u>	KENNETH ASBURY					1/1/1954	NC	IR	04.00N-02.00W-01-SWSE			20.0000
<u>CLAIM:GR 3294 *</u>	CHARLES WERINGS					9/30/1949	NC	IR	05.00N-02.00W-35-NENE			12.0000
<u>CLAIM:GR 3529 *</u>	CARL BRANDENFELS					9/20/1948	NC	IR	05.00N-02.00W-35-SESE			20.0000
								IR	05.00N-02.00W-36-SWSW			6.0000
<u>CLAIM:GR 3530 *</u>	CARL BRANDENFELS					6/30/1947	NC	IR	05.00N-02.00W-35-SESE			20.0000
								IR	05.00N-02.00W-36-SWSW			6.0000
<u>CLAIM:GR 3916 *</u>	EMIT MARTIN					1/31/1950	NC	IR	05.00N-02.00W-25-SESW			8.0000
<u>CLAIM:GR 4133 *</u>	MARY JANE MILLER					1/31/1953	NC	IR	04.00N-02.00W-13-SWNW			14.0000
<u>CLAIM:GR 4139 *</u>	O B CLICK					7/31/1949	NC	IR	04.00N-01.00W-18-NENW			9.0000
								IR	04.00N-01.00W-18-NWNE			7.0000
								IR	04.00N-01.00W-07-SESW			6.0000
								IR	04.00N-01.00W-07-NWSE			2.0000
<u>CLAIM:GR 3636 *</u>	WALTER WALDKIRCH					10/31/1952	NC	IR	04.00N-01.00W-07-SESW			3.0000
<u>CLAIM:GR 4272 *</u>	FRED LUTTRELL					7/31/1950	NC	IR	05.00N-02.00W-25-SENE			11.0000
								IR	05.00N-02.00W-25-SWNE			25.0000
								IR	05.00N-02.00W-25-NWSE			15.0000
<u>CERT:57888 CF *</u>	MCNULTY WATER ASSOCIATION	G-1565	G-1447	57888	8/25/1959	NC	DO	04.00N-02.00W-01-NESW				
							DO	04.00N-02.00W-01-SESW				
							DO	04.00N-02.00W-01-SWSW				
							DO	04.00N-02.00W-02-NENE				
							DO	04.00N-02.00W-02-SENE				
							DO	04.00N-02.00W-02-NESE				
							DO	04.00N-02.00W-12-NENE				
							DO	04.00N-02.00W-12-NWNE				
							DO	04.00N-02.00W-12-SENE				
							DO	04.00N-01.00W-07-NESW				
							DO	04.00N-01.00W-07-NWSW				
							DO	04.00N-01.00W-07-SESW				
							DO	04.00N-01.00W-07-SWSW				
							DO	04.00N-01.00W-08-SWNE				
							DO	04.00N-01.00W-08-SENE				
							DO	04.00N-01.00W-08-SWNW				
							DO	04.00N-01.00W-08-NWSE				
							DO	04.00N-01.00W-08-SWSE				
							DO	04.00N-01.00W-08-NESW				
							DO	04.00N-01.00W-08-NWSW				
							DO	04.00N-01.00W-08-SESW				
							DO	04.00N-01.00W-08-SWSW				
							DO	04.00N-01.00W-07-NENE				

		
DO	04.00N-01.00W-07-NWNE	
DO	04.00N-01.00W-07-SENE	
DO	04.00N-01.00W-07-SWNE	
DO	04.00N-01.00W-07-NENW	
DO	04.00N-01.00W-07-NWNW	
DO	04.00N-01.00W-07-SENW	
DO	04.00N-01.00W-07-SWNW	
DO	04.00N-01.00W-07-NESE	
DO	04.00N-01.00W-07-NWSE	
DO	04.00N-01.00W-07-SESE	
DO	04.00N-02.00W-01-NWSW	
DO	04.00N-02.00W-01-SENE	
DO	04.00N-02.00W-01-SWNE	
DO	04.00N-02.00W-01-NENW	
DO	04.00N-02.00W-01-NWNW	
DO	04.00N-02.00W-01-SENW	
DO	04.00N-02.00W-01-SWNW	
DO	04.00N-02.00W-01-NESE	
DO	04.00N-02.00W-01-NWSE	
DO	04.00N-02.00W-01-SESE	
DO	04.00N-02.00W-01-SWSE	
DO	04.00N-01.00W-07-SWSE	
DO	04.00N-01.00W-17-NENW	
DO	04.00N-01.00W-17-NWNW	
DO	04.00N-01.00W-17-SENW	
DO	04.00N-01.00W-17-SWNW	
DO	04.00N-01.00W-18-NENE	
DO	04.00N-01.00W-18-NWNE	
DO	04.00N-01.00W-18-SENE	
DO	04.00N-01.00W-18-SWNE	
DO	04.00N-01.00W-18-NENW	
DO	04.00N-01.00W-18-NWNW	
DO	04.00N-02.00W-01-NENE	
DO	04.00N-02.00W-01-NWNE	
DO	04.00N-02.00W-12-SWNE	
DO	04.00N-02.00W-12-NESE	
DO	04.00N-02.00W-12-SESE	
DO	04.00N-02.00W-13-NENE	
DO	04.00N-02.00W-13-NWNE	
DO	04.00N-02.00W-13-NENW	
DO	05.00N-01.00W-31-NWNW	
DO	05.00N-01.00W-31-SWNW	
DO	05.00N-01.00W-31-NWSW	
DO	05.00N-01.00W-31-SWSW	

							DO	05.00N-02.00W-25-NWSW		
							DO	05.00N-02.00W-25-SWSW		
							DO	05.00N-02.00W-26-NESE		
							DO	05.00N-02.00W-26-SESE		
							DO	05.00N-02.00W-35-NENE		
							DO	05.00N-02.00W-35-SENE		
							DO	05.00N-02.00W-35-NESE		
							DO	05.00N-02.00W-35-SESE		
							DO	05.00N-02.00W-36-NENE		
							DO	05.00N-02.00W-36-SENE		
							DO	05.00N-02.00W-36-NWNW		
							DO	05.00N-02.00W-36-SWNW		
							DO	05.00N-02.00W-36-NESE		
							DO	05.00N-02.00W-36-SESE		
							DO	05.00N-02.00W-36-SWSE		
							DO	05.00N-02.00W-36-NWSW		
							DO	05.00N-02.00W-36-SESW		
							DO	05.00N-02.00W-36-SWSW		
<u>CERT:44812 RR *</u>	PAUL J DE SHAZER	G-1565	G-1447	44812	8/25/1959	NC	IR	04.00N-02.00W-13-SENW		18.2600
							IR	04.00N-02.00W-13-SWNW		9.0000
<u>CERT:60848 CF *</u>	WARREN WATER ASSOCIATION	G-3791	G-3477	60848	1/24/1967	NC	QM	04.00N-01.00W-17-SWSW		
							QM	04.00N-01.00W-18-SWNE		
							QM	04.00N-01.00W-18-SENW		
							QM	04.00N-01.00W-18-SWNW		
							QM	04.00N-01.00W-18-NESE		
							QM	04.00N-01.00W-18-NWSE		
							QM	04.00N-01.00W-18-SESE		
							QM	04.00N-01.00W-18-SWSE		
							QM	04.00N-01.00W-18-NESW		
							QM	04.00N-02.00W-13-SWNE		
							QM	04.00N-02.00W-13-SENW		
<u>CERT:65072 OR *</u>	MCNULTY WATER ASSOCIATION	G-4691	G-8026	65072	11/20/1968	NC	QM	04.00N-01.00W-07-NENE		
							QM	04.00N-01.00W-07-NWNE		
							QM	04.00N-01.00W-07-SENE		
							QM	04.00N-01.00W-07-SWNE		
							QM	04.00N-01.00W-07-NENW		
							QM	04.00N-01.00W-07-NWNW		
							QM	04.00N-01.00W-07-SENW		
							QM	04.00N-01.00W-07-SWNW		
							QM	04.00N-01.00W-07-NESE		
							QM	04.00N-01.00W-07-NWSE		
							QM	04.00N-01.00W-07-SESE		
							QM	04.00N-01.00W-07-SWSE		
							QM	04.00N-01.00W-07-NESW		
							QM	04.00N-01.00W-07-NWSW		

QM	04.00N-01.00W-07-SESW	
QM	04.00N-01.00W-07-SWSW	
QM	04.00N-01.00W-08-SWNE	
QM	04.00N-01.00W-08-SESW	
QM	04.00N-01.00W-08-SWNW	
QM	04.00N-01.00W-08-SWSE	
QM	04.00N-01.00W-08-NESW	
QM	04.00N-01.00W-08-NWSW	
QM	04.00N-01.00W-08-SESW	
QM	04.00N-01.00W-08-SWSW	
QM	04.00N-01.00W-17-NENW	
QM	04.00N-01.00W-17-NWNW	
QM	04.00N-01.00W-17-SESW	
QM	04.00N-01.00W-17-SWNW	
QM	04.00N-01.00W-18-NENE	
QM	04.00N-01.00W-18-NWNE	
QM	04.00N-01.00W-18-SENE	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-NENW	
QM	04.00N-01.00W-18-NWNW	
QM	04.00N-02.00W-01-NENE	
QM	04.00N-02.00W-01-NWNE	
QM	04.00N-02.00W-01-SENE	
QM	04.00N-02.00W-01-SWNE	
QM	04.00N-02.00W-01-NENW	
QM	04.00N-02.00W-01-NWNW	
QM	04.00N-02.00W-01-SESW	
QM	04.00N-02.00W-01-SWNW	
QM	04.00N-02.00W-01-NESE	
QM	04.00N-02.00W-01-NWSE	
QM	04.00N-02.00W-01-SESE	
QM	04.00N-02.00W-01-SWSE	
QM	04.00N-02.00W-01-NESW	
QM	04.00N-02.00W-01-NWSW	
QM	04.00N-02.00W-01-SESW	
QM	04.00N-02.00W-01-SWSW	
QM	04.00N-02.00W-02-NENE	
QM	04.00N-02.00W-02-SENE	
QM	04.00N-02.00W-02-NESE	
QM	04.00N-02.00W-12-NENE	
QM	04.00N-02.00W-12-NWNE	
QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-SWNE	
QM	04.00N-02.00W-12-NESE	
QM	04.00N-02.00W-12-SESE	

CERT:60694 OR * WARREN WATER ASSOCIATION

G-4692 G-8028 60694 11/20/1968 NC

QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-NENW	
QM	05.00N-01.00W-31-NWNW	
QM	05.00N-01.00W-31-SWNW	
QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-02.00W-25-NWSW	
QM	05.00N-02.00W-25-SWSW	
QM	05.00N-02.00W-26-NESE	
QM	05.00N-02.00W-26-SESE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-NESE	
QM	05.00N-02.00W-35-SESE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NWNW	
QM	05.00N-02.00W-36-SWNW	
QM	05.00N-02.00W-36-NESE	
QM	05.00N-02.00W-36-SESE	
QM	05.00N-02.00W-36-SWSE	
QM	05.00N-02.00W-36-NWSW	
QM	05.00N-02.00W-36-SESW	
QM	05.00N-02.00W-36-SWSW	
QM	04.00N-01.00W-17-SWSW	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-SENE	
QM	04.00N-01.00W-18-SWNW	
QM	04.00N-01.00W-18-NESE	
QM	04.00N-01.00W-18-NWSE	
QM	04.00N-01.00W-18-SESE	
QM	04.00N-01.00W-18-SWSE	
QM	04.00N-01.00W-18-NESW	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-SENE	
QM	04.00N-01.00W-07-NENE	
QM	04.00N-01.00W-07-NWNE	
QM	04.00N-01.00W-07-SENE	
QM	04.00N-01.00W-07-SWNE	
QM	04.00N-01.00W-07-NENW	
QM	04.00N-01.00W-07-NWNW	
QM	04.00N-01.00W-07-SENE	
QM	04.00N-01.00W-07-SWNW	
QM	04.00N-01.00W-07-NESE	

CERT:58654 OR * MCNULTY WATER ASSOCIATION

G-7255 G-6977 58654 2/11/1976 NC

QM	04.00N-01.00W-07-NWSE	
QM	04.00N-01.00W-07-SESE	
QM	04.00N-01.00W-07-SWSE	
QM	04.00N-01.00W-07-NESW	
QM	04.00N-01.00W-07-NWSW	
QM	04.00N-01.00W-07-SESW	
QM	04.00N-01.00W-07-SWSW	
QM	04.00N-01.00W-08-SWNE	
QM	04.00N-01.00W-08-SENW	
QM	04.00N-01.00W-08-SWNW	
QM	04.00N-01.00W-08-NWSE	
QM	04.00N-01.00W-08-SWSE	
QM	04.00N-01.00W-08-NESW	
QM	04.00N-01.00W-08-NWSW	
QM	04.00N-01.00W-08-SESW	
QM	04.00N-01.00W-08-SWSW	
QM	04.00N-01.00W-17-NENW	
QM	04.00N-01.00W-17-NWNW	
QM	04.00N-01.00W-17-SENW	
QM	04.00N-01.00W-17-SWNW	
QM	04.00N-01.00W-18-NENE	
QM	04.00N-01.00W-18-NWNE	
QM	04.00N-01.00W-18-SENE	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-NENW	
QM	04.00N-01.00W-18-NWNW	
QM	04.00N-02.00W-01-NENE	
QM	04.00N-02.00W-01-NWNE	
QM	04.00N-02.00W-01-SENE	
QM	04.00N-02.00W-01-SWNE	
QM	04.00N-02.00W-01-NENW	
QM	04.00N-02.00W-01-NWNW	
QM	04.00N-02.00W-01-SENW	
QM	04.00N-02.00W-01-SWNW	
QM	04.00N-02.00W-01-NESE	
QM	04.00N-02.00W-01-NWSE	
QM	04.00N-02.00W-01-SESE	
QM	04.00N-02.00W-01-SWSE	
QM	04.00N-02.00W-01-NESW	
QM	04.00N-02.00W-01-NWSW	
QM	04.00N-02.00W-01-SESW	
QM	04.00N-02.00W-01-SWSW	
QM	04.00N-02.00W-02-NENE	
QM	04.00N-02.00W-02-SENE	
QM	04.00N-02.00W-02-NESE	

QM	04.00N-02.00W-12-NENE	
QM	04.00N-02.00W-12-NWNE	
QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-SWNE	
QM	04.00N-02.00W-12-NESE	
QM	04.00N-02.00W-12-SESE	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-NENW	
QM	05.00N-01.00W-31-NWNW	
QM	05.00N-01.00W-31-SWNW	
QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-02.00W-25-NWSW	
QM	05.00N-02.00W-25-SWSW	
QM	05.00N-02.00W-26-NESE	
QM	05.00N-02.00W-26-SESE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-NESE	
QM	05.00N-02.00W-35-SESE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NWNW	
QM	05.00N-02.00W-36-SWNW	
QM	05.00N-02.00W-36-NESE	
QM	05.00N-02.00W-36-SESE	
QM	05.00N-02.00W-36-SWSE	
QM	05.00N-02.00W-36-NWSW	
QM	05.00N-02.00W-36-SESW	
QM	05.00N-02.00W-36-SWSW	
QM	04.00N-01.00W-07-NENE	
QM	04.00N-01.00W-07-NWNE	
QM	04.00N-01.00W-07-SENE	
QM	04.00N-01.00W-07-SWNE	
QM	04.00N-01.00W-07-NENW	
QM	04.00N-01.00W-07-NWNW	
QM	04.00N-01.00W-07-SENW	
QM	04.00N-01.00W-07-SWNW	
QM	04.00N-01.00W-07-NESE	
QM	04.00N-01.00W-07-NWSE	
QM	04.00N-01.00W-07-SESE	
QM	04.00N-01.00W-07-SWSE	
QM	04.00N-01.00W-07-NESW	
QM	04.00N-01.00W-07-NWSW	

CERT:58655 OR * MCNULTY WATER ASSOCIATION

G-9782 G-9542 58655 1.18.1982 NC

QM 04.00N-01.00W-07-SESW	
QM 04.00N-01.00W-07-SWSW	
QM 04.00N-01.00W-08-SWNE	
QM 04.00N-01.00W-08-SESW	
QM 04.00N-01.00W-08-SWNW	
QM 04.00N-01.00W-08-NWSE	
QM 04.00N-01.00W-08-SWSE	
QM 04.00N-01.00W-08-NESW	
QM 04.00N-01.00W-08-NWSW	
QM 04.00N-01.00W-08-SESW	
QM 04.00N-01.00W-08-SWSW	
QM 04.00N-01.00W-17-NENW	
QM 04.00N-01.00W-17-NWNW	
QM 04.00N-01.00W-17-SESW	
QM 04.00N-01.00W-17-SWNW	
QM 04.00N-01.00W-18-NENE	
QM 04.00N-01.00W-18-NWNE	
QM 04.00N-01.00W-18-SENE	
QM 04.00N-01.00W-18-SWNE	
QM 04.00N-01.00W-18-NENW	
QM 04.00N-01.00W-18-NWNW	
QM 04.00N-02.00W-01-NENE	
QM 04.00N-02.00W-01-NWNE	
QM 04.00N-02.00W-01-SENE	
QM 04.00N-02.00W-01-SWNE	
QM 04.00N-02.00W-01-NENW	
QM 04.00N-02.00W-01-NWNW	
QM 04.00N-02.00W-01-SESW	
QM 04.00N-02.00W-01-SWNW	
QM 04.00N-02.00W-01-NESE	
QM 04.00N-02.00W-01-NWSE	
QM 04.00N-02.00W-01-SESE	
QM 04.00N-02.00W-01-SWSE	
QM 04.00N-02.00W-01-NESW	
QM 04.00N-02.00W-01-NWSW	
QM 04.00N-02.00W-01-SESW	
QM 04.00N-02.00W-01-SWSW	
QM 04.00N-02.00W-02-NENE	
QM 04.00N-02.00W-02-SENE	
QM 04.00N-02.00W-02-NESE	
QM 04.00N-02.00W-12-NENE	
QM 04.00N-02.00W-12-NWNE	
QM 04.00N-02.00W-12-SENE	
QM 04.00N-02.00W-12-SWNE	
QM 04.00N-02.00W-12-NESE	

CERT:60740 OR * WARREN WATER ASSOCIATION

G-9928 G-10128 60740 3/11/1983 NC

CERT:61176 CR * MCNULTY WATER ASSOCIATION

G-10661 G-9812 61176 2/23 1982 NC

QM	04.00N-02.00W-12-SESE	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-NENW	
QM	05.00N-01.00W-31-NWNW	
QM	05.00N-01.00W-31-SWNW	
QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-02.00W-25-NWSW	
QM	05.00N-02.00W-25-SWSW	
QM	05.00N-02.00W-26-NESE	
QM	05.00N-02.00W-26-SESE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-NESE	
QM	05.00N-02.00W-55-SESE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NWNW	
QM	05.00N-02.00W-36-SWNW	
QM	05.00N-02.00W-36-NESE	
QM	05.00N-02.00W-36-SESE	
QM	05.00N-02.00W-36-SWSE	
QM	05.00N-02.00W-36-NWSW	
QM	05.00N-02.00W-36-SESW	
QM	05.00N-02.00W-36-SWSW	
QM	04.00N-01.00W-17-SWSW	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-SENW	
QM	04.00N-01.00W-18-SWNW	
QM	04.00N-01.00W-18-NESE	
QM	04.00N-01.00W-18-NWSE	
QM	04.00N-01.00W-18-SESE	
QM	04.00N-01.00W-18-SWSE	
QM	04.00N-01.00W-18-NESW	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-SENW	
QM	04.00N-01.00W-06-NENE	
QM	04.00N-01.00W-06-NWNE	
QM	04.00N-01.00W-06-SENE	
QM	04.00N-01.00W-06-SWNE	
QM	04.00N-01.00W-06-NENW	
QM	04.00N-01.00W-06-NWNW	
QM	04.00N-01.00W-06-SENW	
QM	04.00N-01.00W-06-SWNW	

QM 04.00N-01.00W-06-SESE	
QM 04.00N-01.00W-06-SWSE	
QM 04.00N-01.00W-06-NESW	
QM 04.00N-01.00W-06-NWSW	
QM 04.00N-01.00W-06-SWSW	
QM 04.00N-01.00W-07-NENE	
QM 04.00N-01.00W-07-NWNE	
QM 04.00N-01.00W-07-SENE	
QM 04.00N-01.00W-07-SWNE	
QM 04.00N-01.00W-07-NENW	
QM 04.00N-01.00W-07-NWNW	
QM 04.00N-01.00W-07-SENW	
QM 04.00N-01.00W-07-SWNW	
QM 04.00N-01.00W-07-NESE	
QM 04.00N-01.00W-07-NWSE	
QM 04.00N-01.00W-07-SESE	
QM 04.00N-01.00W-07-SWSE	
QM 04.00N-01.00W-07-NESW	
QM 04.00N-01.00W-07-NWSW	
QM 04.00N-01.00W-07-SESW	
QM 04.00N-01.00W-07-SWSW	
QM 04.00N-01.00W-08-SWNE	
QM 04.00N-01.00W-08-SENW	
QM 04.00N-01.00W-08-SWNW	
QM 04.00N-01.00W-08-NWSE	
QM 04.00N-01.00W-08-SWSE	
QM 04.00N-01.00W-08-NESW	
QM 04.00N-01.00W-08-NWSW	
QM 04.00N-01.00W-08-SESW	
QM 04.00N-01.00W-08-SWSW	
QM 04.00N-01.00W-17-NENW	
QM 04.00N-01.00W-17-NWNW	
QM 04.00N-01.00W-17-SENW	
QM 04.00N-01.00W-17-SWNW	
QM 04.00N-01.00W-18-NENE	
QM 04.00N-01.00W-18-NWNE	
QM 04.00N-01.00W-18-SENE	
QM 04.00N-01.00W-18-SWNE	
QM 04.00N-01.00W-18-NENW	
QM 04.00N-01.00W-18-NWNW	
QM 04.00N-02.00W-01-NENE	
QM 04.00N-02.00W-01-NWNE	
QM 04.00N-02.00W-01-SENE	
QM 04.00N-02.00W-01-SWNE	
QM 04.00N-02.00W-01-NENW	

QM	04.00N-02.00W-01-NW\NW	
QM	04.00N-02.00W-01-SE\W	
QM	04.00N-02.00W-01-SW\W	
QM	04.00N-02.00W-01-NE\SE	
QM	04.00N-02.00W-01-NW\SE	
QM	04.00N-02.00W-01-SE\SE	
QM	04.00N-02.00W-01-SW\SE	
QM	04.00N-02.00W-01-NE\SW	
QM	04.00N-02.00W-01-NW\SW	
QM	04.00N-02.00W-01-SE\SW	
QM	04.00N-02.00W-01-SW\SW	
QM	04.00N-02.00W-02-NENE	
QM	04.00N-02.00W-02-SENE	
QM	04.00N-02.00W-02-NE\SE	
QM	04.00N-02.00W-12-NENE	
QM	04.00N-02.00W-12-NW\NE	
QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-SW\NE	
QM	04.00N-02.00W-12-NE\SE	
QM	04.00N-02.00W-12-SE\SE	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NW\NE	
QM	04.00N-02.00W-13-NEN\W	
QM	05.00N-01.00W-31-NW\NW	
QM	05.00N-01.00W-31-SW\NW	
QM	05.00N-01.00W-31-NW\SW	
QM	05.00N-01.00W-31-SW\SW	
QM	05.00N-02.00W-25-NW\SW	
QM	05.00N-02.00W-25-SW\SW	
QM	05.00N-02.00W-26-NE\SE	
QM	05.00N-02.00W-26-SE\SE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-NE\SE	
QM	05.00N-02.00W-35-SE\SE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NW\NW	
QM	05.00N-02.00W-36-SW\NW	
QM	05.00N-02.00W-36-NE\SE	
QM	05.00N-02.00W-36-SE\SE	
QM	05.00N-02.00W-36-SW\SE	
QM	05.00N-02.00W-36-NW\SW	
QM	05.00N-02.00W-36-SE\SW	
QM	05.00N-02.00W-36-SW\SW	

PERMIT G 11859 * WARREN WATER ASSOCIATION

G-13569 G-11859

12/1/1993 NC

QM	04.00N-01.00W-17-NWSW	
QM	04.00N-01.00W-17-SWSW	
QM	04.00N-01.00W-18-NENW	
QM	04.00N-01.00W-18-NWNW	
QM	04.00N-01.00W-18-SENW	
QM	04.00N-01.00W-18-SWNW	
QM	04.00N-01.00W-18-NESE	
QM	04.00N-01.00W-18-NWSE	
QM	04.00N-01.00W-18-SESE	
QM	04.00N-01.00W-18-SWSE	
QM	04.00N-01.00W-18-NESW	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-NENW	
QM	04.00N-02.00W-13-NWNW	
QM	04.00N-02.00W-13-SENW	
QM	04.00N-02.00W-13-SWNW	

PERMIT G 12834 * MCNULTY WATER ASSOC.

G-13717 G-12834

6/17/1994 NC

QM	04.00N-01.00W-07-SENW	
QM	04.00N-01.00W-07-SWNW	
QM	04.00N-01.00W-07-NESE	
QM	04.00N-01.00W-07-NWSE	
QM	04.00N-01.00W-07-SESE	
QM	04.00N-01.00W-07-SWSE	
QM	04.00N-01.00W-07-NESW	
QM	04.00N-01.00W-07-NWSW	
QM	04.00N-01.00W-07-SESW	
QM	04.00N-01.00W-07-SWSW	
QM	04.00N-01.00W-08-SWNE	
QM	04.00N-01.00W-08-SENW	
QM	04.00N-01.00W-08-SWNW	
QM	04.00N-01.00W-08-NWSE	
QM	04.00N-01.00W-08-SWSE	
QM	04.00N-01.00W-08-NESW	
QM	04.00N-01.00W-08-NWSW	
QM	04.00N-01.00W-08-SESW	
QM	04.00N-01.00W-08-SWSW	
QM	04.00N-01.00W-17-NENW	
QM	04.00N-01.00W-17-NWNW	
QM	04.00N-01.00W-17-SENW	
QM	04.00N-01.00W-17-SWNW	
QM	04.00N-01.00W-18-NENE	
QM	04.00N-01.00W-18-NWNE	
QM	04.00N-01.00W-18-SENE	
QM	04.00N-01.00W-18-SWNE	

QM	04.00N-01.00W-18-NENW	
QM	04.00N-01.00W-18-NWNW	
QM	04.00N-02.00W-01-NENE	
QM	04.00N-02.00W-01-NWNE	
QM	04.00N-02.00W-01-SENE	
QM	04.00N-01.00W-07-NWNW	
QM	04.00N-01.00W-07-NENW	
QM	04.00N-01.00W-07-SWNE	
QM	04.00N-01.00W-07-SENE	
QM	04.00N-01.00W-07-NWNE	
QM	04.00N-01.00W-07-NENE	
QM	04.00N-01.00W-06-SWSW	
QM	04.00N-01.00W-06-NWSW	
QM	04.00N-01.00W-06-NESW	
QM	04.00N-01.00W-06-SWSE	
QM	04.00N-01.00W-06-SESE	
QM	04.00N-01.00W-06-SWNW	
QM	04.00N-01.00W-06-SENW	
QM	04.00N-01.00W-06-NWNW	
QM	04.00N-01.00W-06-NENW	
QM	04.00N-01.00W-06-SWNE	
QM	04.00N-01.00W-06-SENE	
QM	04.00N-01.00W-06-NWNE	
QM	04.00N-01.00W-06-NENE	
QM	04.00N-02.00W-01-SWNE	
QM	04.00N-02.00W-01-NENW	
QM	04.00N-02.00W-01-NWNW	
QM	04.00N-02.00W-01-SENW	
QM	04.00N-02.00W-01-SWNW	
QM	04.00N-02.00W-01-NESE	
QM	04.00N-02.00W-01-NWSE	
QM	04.00N-02.00W-01-SESE	
QM	04.00N-02.00W-01-SWSE	
QM	04.00N-02.00W-01-NESW	
QM	04.00N-02.00W-01-NWSW	
QM	04.00N-02.00W-01-SESW	
QM	04.00N-02.00W-01-SWSW	
QM	04.00N-02.00W-02-NENE	
QM	04.00N-02.00W-02-SENE	
QM	04.00N-02.00W-02-NESE	
QM	04.00N-02.00W-12-NENE	
QM	04.00N-02.00W-12-NWNE	
QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-SWNE	
QM	04.00N-02.00W-12-NESE	

PERMIT G 13101 * WARREN WATER ASSOCIATION

G-14193 G-13101

10/30/1995 NC

QM	04.00N-02.00W-12-SESE	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-NENW	
QM	05.00N-01.00W-31-NW'NW	
QM	05.00N-01.00W-31-SW'NW	
QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-02.00W-25-NWSW	
QM	05.00N-02.00W-25-SWSW	
QM	05.00N-02.00W-26-NESE	
QM	05.00N-02.00W-26-SESE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-SESE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NW'NW	
QM	05.00N-02.00W-36-SW'NW	
QM	05.00N-02.00W-36-NESE	
QM	05.00N-02.00W-36-SESE	
QM	05.00N-02.00W-36-SWSE	
QM	05.00N-02.00W-36-NWSW	
QM	05.00N-02.00W-36-SESW	
QM	05.00N-02.00W-36-SWSW	
QM	04.00N-01.00W-17-SWSW	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-SENW	
QM	04.00N-01.00W-18-SW'NW	
QM	04.00N-01.00W-18-NESE	
QM	04.00N-01.00W-18-NWSE	
QM	04.00N-01.00W-18-SESE	
QM	04.00N-01.00W-18-SWSE	
QM	04.00N-01.00W-18-NESW	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-SENW	
IR	05.00N-02.00W-25-NESW	
IR	05.00N-02.00W-25-NWSW	
QM	04.00N-02.00W-13-SENW	
QM	05.00N-01.00W-30-SWSW	
QM	05.00N-01.00W-31-NENW	
QM	05.00N-01.00W-31-NW'NW	
QM	05.00N-01.00W-31-SW'NW	
QM	05.00N-01.00W-31-SENW	
QM	05.00N-01.00W-31-NESW	

8.5100

9.1600

PERMIT G 13448 * TIM LUTTRELL

G-14576 G-13448

7/14/1997 NC

CERT 83411 OR * MELVIN OLSON

G-14652 G-13537 83411 12/19/1997 NC

QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-01.00W-31-SESW	
QM	05.00N-01.00W-31-NESE	
QM	05.00N-01.00W-31-NWSE	
QM	05.00N-01.00W-31-SWSE	
QM	05.00N-01.00W-31-SESE	
QM	05.00N-02.00W-25-SWNE	
QM	05.00N-02.00W-25-SENE	
QM	05.00N-02.00W-25-SWNW	
QM	05.00N-02.00W-25-SENW	
QM	05.00N-02.00W-25-NESW	
QM	05.00N-02.00W-25-NWSW	
QM	05.00N-02.00W-25-SWSW	
QM	05.00N-02.00W-25-SESW	
QM	05.00N-02.00W-25-NESE	
QM	05.00N-02.00W-25-NWSE	
QM	05.00N-02.00W-25-SWSE	
QM	05.00N-02.00W-25-SESE	
QM	05.00N-02.00W-26-SWNE	
QM	05.00N-02.00W-26-SENE	
QM	05.00N-02.00W-26-SESW	
QM	05.00N-02.00W-26-NESE	
QM	05.00N-02.00W-26-NWSE	
QM	05.00N-02.00W-26-SWSE	
QM	05.00N-02.00W-26-SESE	
QM	05.00N-02.00W-35-NENE	
QM	05.00N-02.00W-35-NWNE	
QM	05.00N-02.00W-35-SWNE	
QM	05.00N-02.00W-35-SENE	
QM	05.00N-02.00W-35-NENW	
QM	05.00N-02.00W-35-NWSE	
QM	05.00N-02.00W-35-NESE	
QM	05.00N-02.00W-35-SWSE	
QM	05.00N-02.00W-35-SESE	
QM	05.00N-02.00W-36-NENE	
QM	05.00N-02.00W-36-NWNE	
QM	05.00N-02.00W-36-SWNE	
QM	05.00N-02.00W-36-SENE	
QM	05.00N-02.00W-36-NENW	
QM	05.00N-02.00W-36-NWNW	
QM	05.00N-02.00W-36-SWNW	
QM	05.00N-02.00W-36-SENW	
QM	05.00N-02.00W-36-NESW	
QM	05.00N-02.00W-36-NWSW	

QM 05.00N-02.00W-36-SESW	
QM 05.00N-02.00W-36-SWSW	
QM 05.00N-02.00W-36-NESE	
QM 05.00N-02.00W-36-NWSE	
QM 05.00N-02.00W-36-SESE	
QM 05.00N-02.00W-36-SWSE	
QM 04.00N-01.00W-05-NWNW	
QM 04.00N-01.00W-07-SWNW	
QM 04.00N-01.00W-07-SENW	
QM 04.00N-01.00W-07-NESW	
QM 04.00N-01.00W-07-NWSW	
QM 04.00N-01.00W-07-SESW	
QM 04.00N-01.00W-07-SWSW	
QM 04.00N-01.00W-07-NESE	
QM 04.00N-01.00W-07-NWSE	
QM 04.00N-01.00W-07-SESE	
QM 04.00N-01.00W-07-SWSE	
QM 04.00N-01.00W-08-SWNE	
QM 04.00N-01.00W-08-SWNW	
QM 04.00N-01.00W-08-SENW	
QM 04.00N-01.00W-08-NESW	
QM 04.00N-01.00W-08-NWSW	
QM 04.00N-01.00W-08-SWSW	
QM 04.00N-01.00W-08-SESW	
QM 04.00N-01.00W-08-NWSE	
QM 04.00N-01.00W-08-SWSE	
QM 04.00N-02.00W-01-NWNW	
QM 04.00N-01.00W-05-SWNW	
QM 04.00N-01.00W-06-NENE	
QM 04.00N-01.00W-06-NWNE	
QM 04.00N-01.00W-06-SWNE	
QM 04.00N-01.00W-06-SENE	
QM 04.00N-01.00W-06-NENW	
QM 04.00N-01.00W-06-NWNW	
QM 04.00N-01.00W-06-SWNW	
QM 04.00N-01.00W-06-SENW	
QM 04.00N-01.00W-06-NESW	
QM 04.00N-01.00W-06-NWSW	
QM 04.00N-01.00W-06-SESW	
QM 04.00N-01.00W-06-SWSW	
QM 04.00N-02.00W-01-NENW	
QM 04.00N-01.00W-06-NESE	
QM 04.00N-01.00W-06-NWSE	
QM 04.00N-01.00W-06-SESE	
QM 04.00N-01.00W-06-SWSE	

QM 04.00N-01.00W-07-NENE	
QM 04.00N-01.00W-07-NWNE	
QM 04.00N-01.00W-07-SWNE	
QM 04.00N-01.00W-07-SENE	
QM 04.00N-01.00W-07-NENW	
QM 04.00N-01.00W-07-NWNW	
QM 04.00N-01.00W-17-NENW	
QM 04.00N-01.00W-17-NWNW	
QM 04.00N-01.00W-17-SWNW	
QM 04.00N-01.00W-17-SENW	
QM 04.00N-01.00W-17-NWSW	
QM 04.00N-01.00W-17-SWSW	
QM 04.00N-01.00W-18-NENE	
QM 04.00N-01.00W-18-NWNE	
QM 04.00N-01.00W-18-SWNE	
QM 04.00N-01.00W-18-SENE	
QM 04.00N-01.00W-18-NENW	
QM 04.00N-01.00W-18-NWNW	
QM 04.00N-01.00W-18-SENW	
QM 04.00N-01.00W-18-NESW	
QM 04.00N-02.00W-01-NENE	
QM 04.00N-02.00W-01-NWNE	
QM 04.00N-02.00W-01-SWNE	
QM 04.00N-02.00W-01-SENE	
QM 04.00N-02.00W-01-SWNW	
QM 04.00N-02.00W-01-SENW	
QM 04.00N-02.00W-01-NESW	
QM 04.00N-02.00W-01-NWSW	
QM 04.00N-02.00W-01-SESW	
QM 04.00N-02.00W-01-SWSW	
QM 04.00N-02.00W-01-NESE	
QM 04.00N-02.00W-01-NWSE	
QM 04.00N-02.00W-01-SESE	
QM 04.00N-02.00W-01-SWSE	
QM 04.00N-02.00W-02-NENE	
QM 04.00N-02.00W-02-NWNE	
QM 04.00N-02.00W-02-SWNE	
QM 04.00N-02.00W-02-SENE	
QM 04.00N-02.00W-02-NESE	
QM 04.00N-02.00W-02-NWSE	
QM 04.00N-02.00W-02-SWSE	
QM 04.00N-02.00W-02-SESE	
QM 04.00N-02.00W-12-NENE	
QM 04.00N-02.00W-12-NWNE	
QM 04.00N-02.00W-12-SWNE	

PERMIT:G 15227 * RICHARD LOUIE

G-15279 G-15227

1/2/2001 NC

QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-NESE	
QM	04.00N-02.00W-12-NWSE	
QM	04.00N-02.00W-12-SWSE	
QM	04.00N-02.00W-12-SESE	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-NENW	
QM	04.00N-02.00W-13-NWNW	
QM	04.00N-02.00W-13-SWNW	
QM	04.00N-01.00W-05-NWNW	
QM	04.00N-01.00W-05-SWNW	
QM	04.00N-01.00W-06-NENE	
QM	04.00N-01.00W-06-NWNE	
QM	04.00N-01.00W-06-SENE	
QM	04.00N-01.00W-06-SWNE	
QM	04.00N-01.00W-06-NENW	
QM	04.00N-01.00W-06-NWNW	
QM	04.00N-01.00W-06-SENW	
QM	04.00N-01.00W-06-SWNW	
QM	04.00N-01.00W-06-NESE	
QM	04.00N-01.00W-06-NWSE	
QM	04.00N-01.00W-06-SESE	
QM	04.00N-01.00W-06-SWSE	
QM	04.00N-01.00W-06-NESW	
QM	04.00N-01.00W-06-NWSW	
QM	04.00N-01.00W-06-SESW	
QM	04.00N-01.00W-06-SWSW	
QM	04.00N-01.00W-07-NENE	
QM	04.00N-01.00W-07-NWNE	
QM	04.00N-01.00W-07-SENE	
QM	04.00N-01.00W-07-SWNE	
QM	04.00N-01.00W-07-NENW	
QM	04.00N-01.00W-07-NWNW	
QM	04.00N-01.00W-07-SENW	
QM	04.00N-01.00W-07-SWNW	
QM	04.00N-01.00W-07-NESE	
QM	04.00N-01.00W-07-NWSE	
QM	04.00N-01.00W-07-SESE	
QM	04.00N-01.00W-07-SWSE	
QM	04.00N-01.00W-07-NESW	
QM	04.00N-01.00W-07-NWSW	
QM	04.00N-01.00W-07-SESW	
QM	04.00N-01.00W-07-SWSW	

QM	04.00N-01.00W-08-SWNE	
QM	04.00N-01.00W-08-SENW	
QM	04.00N-01.00W-08-SW'NW	
QM	04.00N-01.00W-08-NWSE	
QM	04.00N-01.00W-08-SWSE	
QM	04.00N-01.00W-08-NESW	
QM	04.00N-01.00W-08-NWSW	
QM	04.00N-01.00W-08-SESW	
QM	04.00N-01.00W-08-SWSW	
QM	04.00N-01.00W-17-NENW	
QM	04.00N-01.00W-17-NWNW	
QM	04.00N-01.00W-17-SENW	
QM	04.00N-01.00W-17-SWNW	
QM	04.00N-01.00W-17-NWSW	
QM	04.00N-01.00W-17-SWSW	
QM	04.00N-01.00W-18-NENE	
QM	04.00N-01.00W-18-NWNE	
QM	04.00N-01.00W-18-SENE	
QM	04.00N-01.00W-18-SWNE	
QM	04.00N-01.00W-18-NENW	
QM	04.00N-01.00W-18-NWNW	
QM	04.00N-01.00W-18-SENW	
QM	04.00N-01.00W-18-NESE	
QM	04.00N-01.00W-18-NWSE	
QM	04.00N-01.00W-18-SESE	
QM	04.00N-01.00W-18-SWSE	
QM	04.00N-01.00W-18-NESW	
QM	04.00N-02.00W-01-NENE	
QM	04.00N-02.00W-01-NWNE	
QM	04.00N-02.00W-01-SENE	
QM	04.00N-02.00W-01-SWNE	
QM	04.00N-02.00W-01-NENW	
QM	04.00N-02.00W-01-NWNW	
QM	04.00N-02.00W-01-SENW	
QM	04.00N-02.00W-01-SWNW	
QM	04.00N-02.00W-01-NESE	
QM	04.00N-02.00W-01-NWSE	
QM	04.00N-02.00W-01-SESE	
QM	04.00N-02.00W-01-SWSE	
QM	04.00N-02.00W-01-NESW	
QM	04.00N-02.00W-01-NWSW	
QM	04.00N-02.00W-01-SESW	
QM	04.00N-02.00W-01-SWSW	
QM	04.00N-02.00W-02-NENE	
QM	04.00N-02.00W-02-NWNE	

QM	04.00N-02.00W-02-SENE	
QM	04.00N-02.00W-02-SWNE	
QM	04.00N-02.00W-02-NESE	
QM	04.00N-02.00W-02-NWSE	
QM	04.00N-02.00W-02-SESE	
QM	04.00N-02.00W-02-SWSE	
QM	04.00N-02.00W-12-NENE	
QM	04.00N-02.00W-12-NWNE	
QM	04.00N-02.00W-12-SENE	
QM	04.00N-02.00W-12-SWNE	
QM	04.00N-02.00W-12-NESE	
QM	04.00N-02.00W-12-NWSE	
QM	04.00N-02.00W-12-SESE	
QM	04.00N-02.00W-12-SWSE	
QM	04.00N-02.00W-12-NESW	
QM	04.00N-02.00W-12-NWSW	
QM	04.00N-02.00W-12-SESW	
QM	04.00N-02.00W-12-SWSW	
QM	04.00N-02.00W-13-NENE	
QM	04.00N-02.00W-13-NWNE	
QM	04.00N-02.00W-13-SWNE	
QM	04.00N-02.00W-13-NENW	
QM	04.00N-02.00W-13-NWNW	
QM	04.00N-02.00W-13-SENW	
QM	04.00N-02.00W-13-SWNW	
QM	05.00N-01.00W-30-SWSW	
QM	05.00N-01.00W-31-NENW	
QM	05.00N-01.00W-31-NWNW	
QM	05.00N-01.00W-31-SENW	
QM	05.00N-01.00W-31-SWNW	
QM	05.00N-01.00W-31-NESE	
QM	05.00N-01.00W-31-NWSE	
QM	05.00N-01.00W-31-SESE	
QM	05.00N-01.00W-31-SWSE	
QM	05.00N-01.00W-31-NESW	
QM	05.00N-01.00W-31-NWSW	
QM	05.00N-01.00W-31-SESW	
QM	05.00N-01.00W-31-SWSW	
QM	05.00N-02.00W-25-SENE	
QM	05.00N-02.00W-25-SWNE	
QM	05.00N-02.00W-25-SENW	
QM	05.00N-02.00W-25-SWNW	
QM	05.00N-02.00W-25-NESE	
QM	05.00N-02.00W-25-NWSE	
QM	05.00N-02.00W-25-SESE	

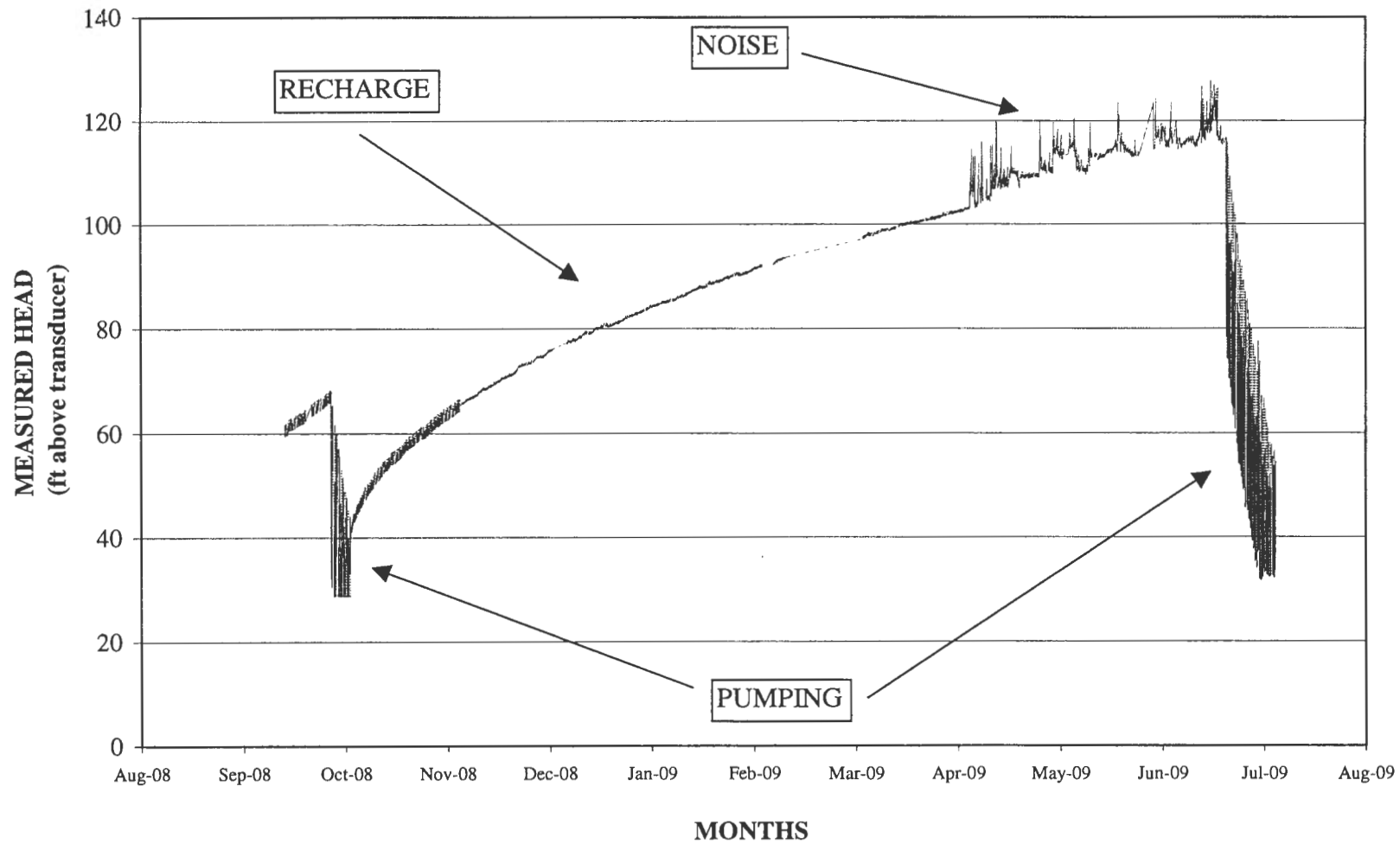
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					QM	05.00N-02.00W-25-NESW		
					QM	05.00N-02.00W-25-NWSW		
					QM	05.00N-02.00W-25-SESW		
					QM	05.00N-02.00W-25-SWSW		
					QM	05.00N-02.00W-26-SENE		
					QM	05.00N-02.00W-26-SWNE		
					QM	05.00N-02.00W-26-NESE		
					QM	05.00N-02.00W-26-NWSE		
					QM	05.00N-02.00W-26-SESE		
					QM	05.00N-02.00W-26-SWSE		
					QM	05.00N-02.00W-26-SESW		
					QM	05.00N-02.00W-35-NENE		
					QM	05.00N-02.00W-35-NWNE		
					QM	05.00N-02.00W-35-SENE		
					QM	05.00N-02.00W-35-SWNE		
					QM	05.00N-02.00W-35-NENW		
					QM	05.00N-02.00W-35-NESE		
					QM	05.00N-02.00W-35-NWSE		
					QM	05.00N-02.00W-35-SESE		
					QM	05.00N-02.00W-35-SWSE		
					QM	05.00N-02.00W-36-NENE		
					QM	05.00N-02.00W-36-NWNE		
					QM	05.00N-02.00W-36-SENE		
					QM	05.00N-02.00W-36-SWNE		
					QM	05.00N-02.00W-36-NENW		
					QM	05.00N-02.00W-36-NWNW		
					QM	05.00N-02.00W-36-SENW		
					QM	05.00N-02.00W-36-SWNW		
					QM	05.00N-02.00W-36-NESE		
					QM	05.00N-02.00W-36-NWSE		
					QM	05.00N-02.00W-36-SESE		
					QM	05.00N-02.00W-36-SWSE		
					QM	05.00N-02.00W-36-NESW		
					QM	05.00N-02.00W-36-NWSW		
					QM	05.00N-02.00W-36-SESW		
					QM	05.00N-02.00W-36-SWSW		
<u>PERMIT:G 16163</u> *	QUINTIN PEASLEY	G-16677 G-16163	5/25/2006	NC	DO	04.00N-01.00W-18-NESE		
					DO	04.00N-01.00W-18-SESE		
					IR	04.00N-01.00W-18-NESE		2.0000
					IR	04.00N-01.00W-18-SESE		13.6000
<u>PERMIT:G 16589</u> *	GRACE BAPTIST CHURCH	G-17201 G-16589	4/2/2009	NC	IR	04.00N-01.00W-07-SWNE		3.0000
					IR	04.00N-01.00W-07-SENE		3.0000
<u>APP:P 74607</u> *	VICTOR L FOX	P-74607	9/1/1994	NC	LV	04.00N-01.00W-18-		
					LV	04.00N-01.00W-18-		

12/3/2009

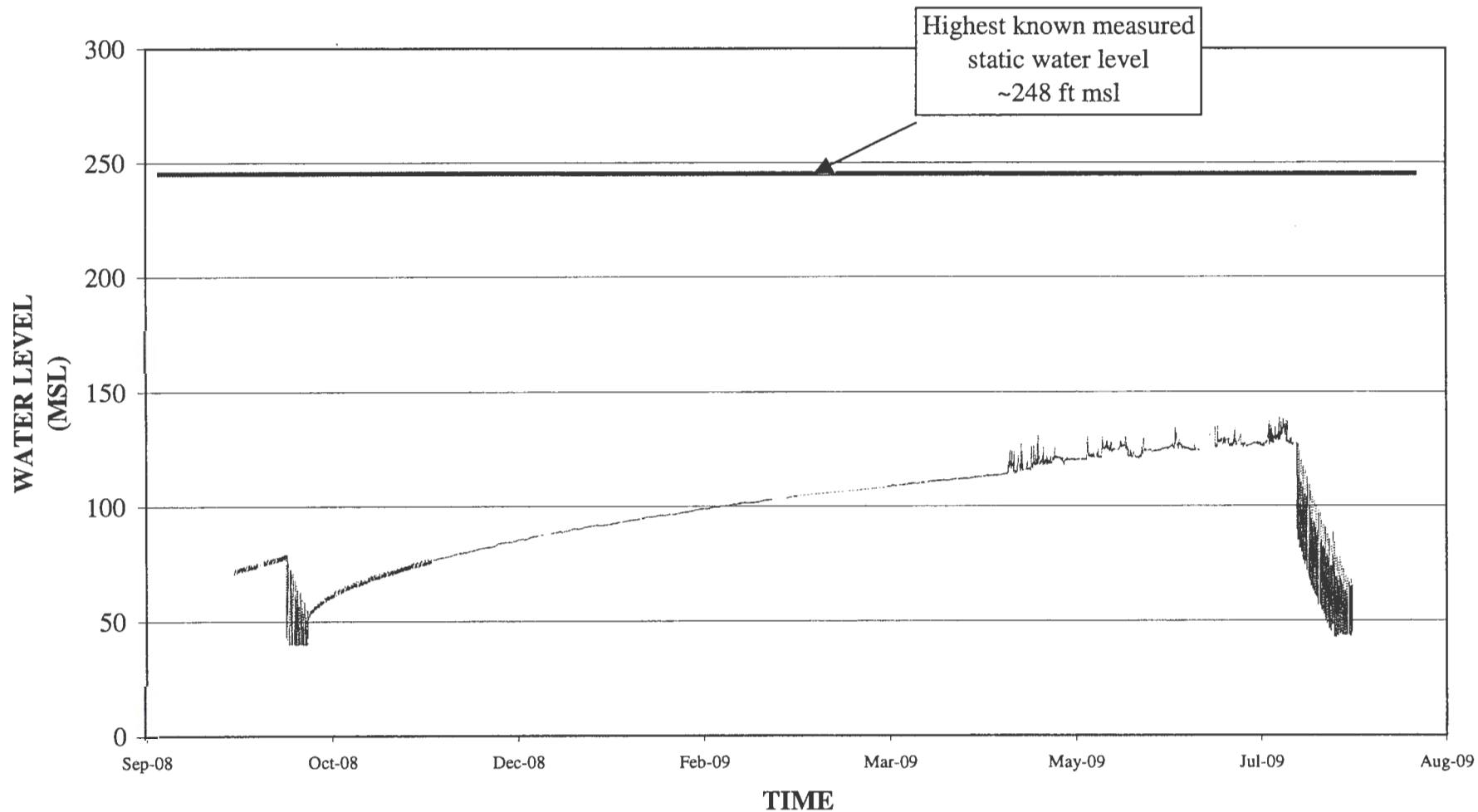
<u>APP:P 78611 *</u>	J L PERRIZO	P-78611	1/3/1995	NC	LV	04.00N-01.00W-06-NWSW		
<u>APP:P 82565 *</u>	ROBERT D SALISBURY	P-82565	1.3.1997	NC	RC	04.00N-01.00W-06- SE		
					RC	04.00N-01.00W-06- SE		
					RC	04.00N-01.00W-06- SE		
					RC	04.00N-01.00W-06- SE		
<u>APP:P 82889 *</u>	QUINNAN P WELCH	P-82889	1/24/1997	NC	LV	04.00N-02.00W-02-NWNE		
					WI	04.00N-02.00W-02-NWNE		
<u>CERT:31029 OR *</u>	GEORGE ELLEN TODD	R-30240 R-1796	31029 8/25/1955	NC	ST	04.00N-01.00W-18-SENW		58
					ST	04.00N-01.00W-18-SWNW		58
<u>PERMIT:R 11856 *</u>	DORY WALROD	R-74923 R-11856	11.16/1994	NC	FP	05.00N-02.00W-36-SESW		
					LV	05.00N-02.00W-36-SESW		
					WI	05.00N-02.00W-36-SESW		
<u>CERT:69356 OR *</u>	VON N SMITH	R-74939	69356 1.1/1993	NC	LV	04.00N-01.00W-17-		
					LV	04.00N-01.00W-17-		
					LV	04.00N-01.00W-17-		
					LV	04.00N-01.00W-17-		
					LV	04.00N-01.00W-17-		
					LV	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
					WI	04.00N-01.00W-17-		
<u>CERT:69996 OR *</u>	PAUL L THAYER	R-76006	69996 1/1/1993	NC	LV	04.00N-01.00W-06- SE		
					LV	04.00N-01.00W-06- SE		
					LV	04.00N-01.00W-06- SE		
					LV	04.00N-01.00W-06- SE		
<u>CERT:73855 CR *</u>	LAURENE MCGILVRA	R-76997	73855 1/1/1993	NC	ST	05.00N-01.00W-31-SWSE		
<u>CERT:7968 OR *</u>	B R COPELAND	S-11998 S-8400	7968 3/26/1928	NC	LV	04.00N-01.00W-18-SWNW		
<u>CERT:8820 OR *</u>	COLUMBIA COUNTY GOLF CLUB	S-12730 S-9058	8820 5/17/1929	NC	IR	04.00N-01.00W-08-SWNE		11.0000
					IR	04.00N-01.00W-08-SENW		24.0000
					IR	04.00N-01.00W-08-NESW		6.0000
<u>CERT:10548 OR *</u>	L E GULKER	S-12743 S-9066	10548 5/22 1929	NC	AS	04.00N-01.00W-07-NWSE		
					ID	04.00N-01.00W-07-NWSE		6.0000
					PW	04.00N-01.00W-07-NWSE		
<u>CERT:13690 OR *</u>	E.A. LINDHOLM	S-15390 S-11297	13690 6/18/1934	NC	IR	04.00N-01.00W-06-NWNW		4.6000
<u>CERT:76380 RR *</u>	FRANCIS EDWARD MCGILVRA	S-23232 S-18346	76380 6/21.1948	NC	IR	05.00N-01.00W-31-NWSE		3 2.5000
					IR	05.00N-01.00W-31-SWSE		4 0.5000
<u>CERT:22648 OR *</u>	RUSSELL E BOULBY	S-23248 S-18310	22648 6/28 1948	NC	IR	04.00N-02.00W-01-NENE		37 0.5000
<u>CERT:19591 OR *</u>	RICHARD D HARWOOD	S-23489 S-18523	19591 10/15/1948	NC	IR	04.00N-01.00W-08-SENW		50 0.5000
<u>CERT:28303 OR *</u>	ELMER P CORENE HALL	S-24046 S-25917	28303 8.23.1949	NC	IR	04.00N-01.00W-08-SWNE		50 0.6000
<u>CERT:22473 OR *</u>	ERNEST M HARRIS	S-24317 S-19061	22473 12/6/1949	NC	IR	04.00N-02.00W-01-NWNE		43 8.1000
					IR	04.00N-02.00W-01-SWNE		43 1.9000
<u>CERT:31030 OR *</u>	GEORGE ELLEN TODD	S-30241 S-23837	31030 8/25/1955	NC	IR	04.00N-01.00W-18-SENW		58 8.6000

<u>CERT 22977 OR *</u>	VON N/IDA L SMITH	S-30254	S-23656	22977	8/18/1955	NC	IR	04.00N-01.00W-18-SWNW		58	9.5000
<u>CERT 48528 OR *</u>	VON N & IDA L SMITH	S-55283	S-41478	48528	2/18/1977	NC	IR	04.00N-01.00W-17-SEnw		56	0.6000
							IR	04.00N-01.00W-17-SEnw		56	0.4000

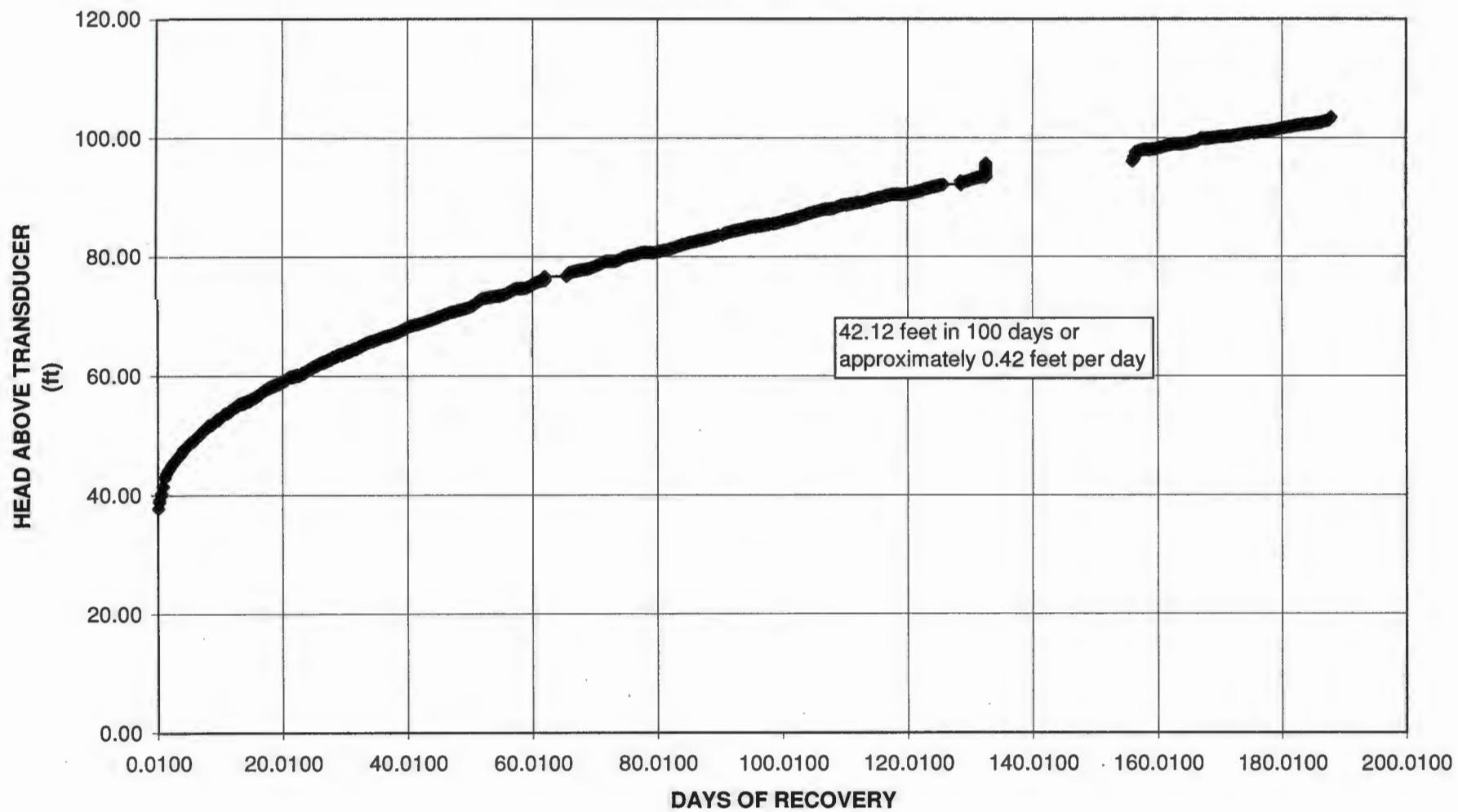
GRAPH - 1
ROBINETTE WELL
October 2, 2008 - July 30, 2009



GRAPH - 2
ROBINETTE WELL
October 2, 2008 - July 30, 2009



GRAPH - 3
ROBINETTE RECOVERY CURVE
OCTOBER 2008 to APRIL 2009



RECEIVING AND SOURCE WATER AQUIFERS

Receiving Aquifer Wells - Gil Allen and Robinette

The Gil Allen well was drilled in 1998 as a domestic well. The well was ultimately acquired by the McNulty Water PUD; however, the internal diameter of the well was too small to feasibly install a large enough pump for the uses planned and on February 25, 2000 the PUD drilled and installed the Robinette well approximately 12 feet southwest of the Allen. For the purposes of this ASR project, The Robinette is understood to be the operative well even though the Gil Allen well may have some use.

Following construction, a static water level (SWL) of 252 feet below ground surface (bgs) was measured in the Robinette well. The well constructor performed a step-drawdown test for approximately 24 hours. Little recovery was observed. Based upon the well constructor's step-drawdown test and subsequent use and testing by the PUD, it became apparent that the Robinette Well exhibits little recharge. A summary of the testing and monitoring of the Robinette well since it was drilled is shown below.

September 1 to December 27, 2001 (117 days duration)

Static water levels were monitored to assess recovery during the period September 1, 2001, ending December 27, 2001. Recovery was estimated to be approximately 0.64 feet per day. The recovery static water levels (SWLs) ranged from 404 feet bgs to 328.3 feet bgs.

February 26 to March 11, 2002 (11 days duration)

A 48 hour pump test to determine the safe-continuous yield was performed on the Robinette well during February 26 and ending March 11, 2002. The well was pumped for approximately 48 hours at an average rate of 409 gallons per hour. The maximum drawdown was measured at 49 feet. During the recovery phase it was estimated that the recharge rate was between 1.01 to 2.34 feet per day - equivalent to approximately 13 and 32 gpm respectively.

December 1 2004 to July 4, 2006 (580 days duration)

Recovery was again monitored during the period December 1, 2004, ending July 4, 2006. Recovery was estimated to be approximately 0.14 feet per day. The recovery SWLs ranged from 415.8 feet bgs to 334.8 feet bgs. A subset of this period from December 1, 2004, through April 4, 2005, yielded a recovery of about 0.28 feet per day being in the range 415.8 to 381.3 feet bgs.

July 4, to September 1, 2006 (59 days duration)

The well was tested again during the period July 4, 2006, ending September 1, 2006. 412,591 cubic feet were withdrawn resulting in a SWL drawdown of 81 feet. Assuming negligible recharge during this period, it was estimated that the aquifer yielded approximately 37,999 gallons per foot of drawdown.

July 10 to August 2, 2007 (23 days duration)

Another pumping test was conducted during the period July 10 through August 2, 2007. 188,260 cubic feet were withdrawn resulting in a SWL reduction from 346.8 feet to 395.8 feet bgs (49 foot drop). Assuming negligible recharge during this period, it was estimated that the aquifer contained about 3842 cubic feet (28,663 gallons) per foot.

Discussion and Future Testing

Since 2000, the Robinette has never regained the static water level measured following drilling. A brief review of historic precipitation records for the St. Helens area shows that annual rainfall amounts dropped from a high of over 60 inches in 1996 to lows of less than 30 inches in 2002-2003 and 2004. To what extent local rainfall influences recharge in the Robinette is not known.

Based on past testing data, aquifer specific storage values ranging from 2630 to 5094 cubic feet of water per lineal foot of aquifer drawdown are suggested. Transmissivity shall be determined during future testing. All information available to date on the Robinette well suggests that it is completed in fractured basaltic rock in a zone isolated from normal recharge. Because the Robinette well is capable of high pumping rates but recharges at an excessively slow rate a limited but highly transmissive fracture zone is the probable nature of the aquifer.

Receiving Aquifer Nearby Wells

The Oregon Water Resources Department lists a total of 66 groundwater wells in the four proximate Sections. Sixteen wells are listed in the closest quarter sections to the Robinette well. There are some wells listed for which there is no Tax Lot information. The Table below summarizes the Department's information.

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

51275 MAR 1 2000

WELL I.D. # L 38995
START CARD # 128473

Instructions for completing this report are on the last page of this form. WATER RESOURCES DEPT. SALEM, OREGON

(1) OWNER: Well Number _____
Name MCNULTY WATER DISTRICT
Address 57409 BAYVIEW RIDGE
City WARREN State OR Zip 97053

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

HOLE			SEAL			Sacks or pounds	
Diameter	From	To	Material	From	To		
12	0	255	Cem./Bent	0	255	80	SKS w/GEL
10	255	515	Cem./Bent	255	515	37	" " "
7 1/2	515	596					
6-3/4	596	616					

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: 8"	+1 1/2'	517	250	☒	☐	☒	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
				☐	☐	☐	☐
Liner: 6"	500	570	250	☒	☐	☒	☐
5"	610	616	250	☒	☐	☒	☐

Final location of shoe(s) 7 1/2' I.D. @ 517' Fig. K Packer @ 500'

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tele/pipe size	Material	STAINLESS	STEEL	Liner
570	590	.060		6"	pipe		☐	☒	
590	610	.060		5"	pipe		☐	☒	
							☐	☐	
							☐	☐	
							☐	☐	

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

Yield gal/min	Drawdown	Drill stem at	Flowing Time
400	21		1 hr.
400	42		12 hrs.
400	61		24 hrs.

Temperature of water 55°F Depth Artesian Flow Found _____

Was a water analysis done? ☒ Yes By whom AMJ

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 COLUMBIA Latitude _____ Longitude _____
Township 5N N or S Range 2W E or W. WM.
Section 25 SE 1/4 SE 1/4
Tax Lot 3400 Lot EASEMENT Subdivision _____
Street Address of Well (or nearest address) 61107 ROBINETTE RD.
ST. HELENS, OR

(10) STATIC WATER LEVEL:
252 ft. below land surface. Date 02/22/2000
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 563

From	To	Estimated Flow Rate	SWL
563	583	100 GPM	252
583	611	300+GPM	252

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
Brown clay	0	12	
Red-brown, brown & gray-brown clay w/ weathered rock	12	134	
Brown basalt, very weath. w/clay	134	142	
Red & red-brown clay, occ. weath. rock	142	193	
Brn. & gray-brn. basalt, weath.	193	246	
Gray-brown basalt, frac.	246	299	
Gray & gray-brown basalt	299	350	
Gray & gray-brown basalt	350	369	
Blue-gray & brown clay, firm	369	424	
Gray claystone	424	485	
Gray sandstone, occ. shale streaks	485	505	
Gray sand clay, firm, occ. gravel	505	548	
Gray sandstone	548-568	252	
Blk, Brn. basalt, brkn. w/sand-stone, strks, occ. gravel	568	583	252
Gray basalt w/sandstone, strks	583	611	252
	611 - 616		

(unbonded) Water Well Constructor Certification:
Started 01/12/2000 Finished 02/25/2000
I certify that the work 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 Mike Bigsby WWC Number 1492 Date 02/25/2000

(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 573 Date 02/25/2000

Water Availability Analysis

Detailed Reports

MILTON CR > SCAPPOOSE BAY - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 11/20/2009

Watershed ID #: 30201201

Date: 11/20/2009

Exceedance Level: 80%

Time: 1:17 PM

Water Availability Calculation	Consumptive Uses and Storages	Instream Flow Requirements	Reservations
Water Rights		Watershed Characteristics	

Water Availability Calculation

Monthly Streamflows in Cubic Feet per Second
Storage at 50% Exceedance in Acre-Feet

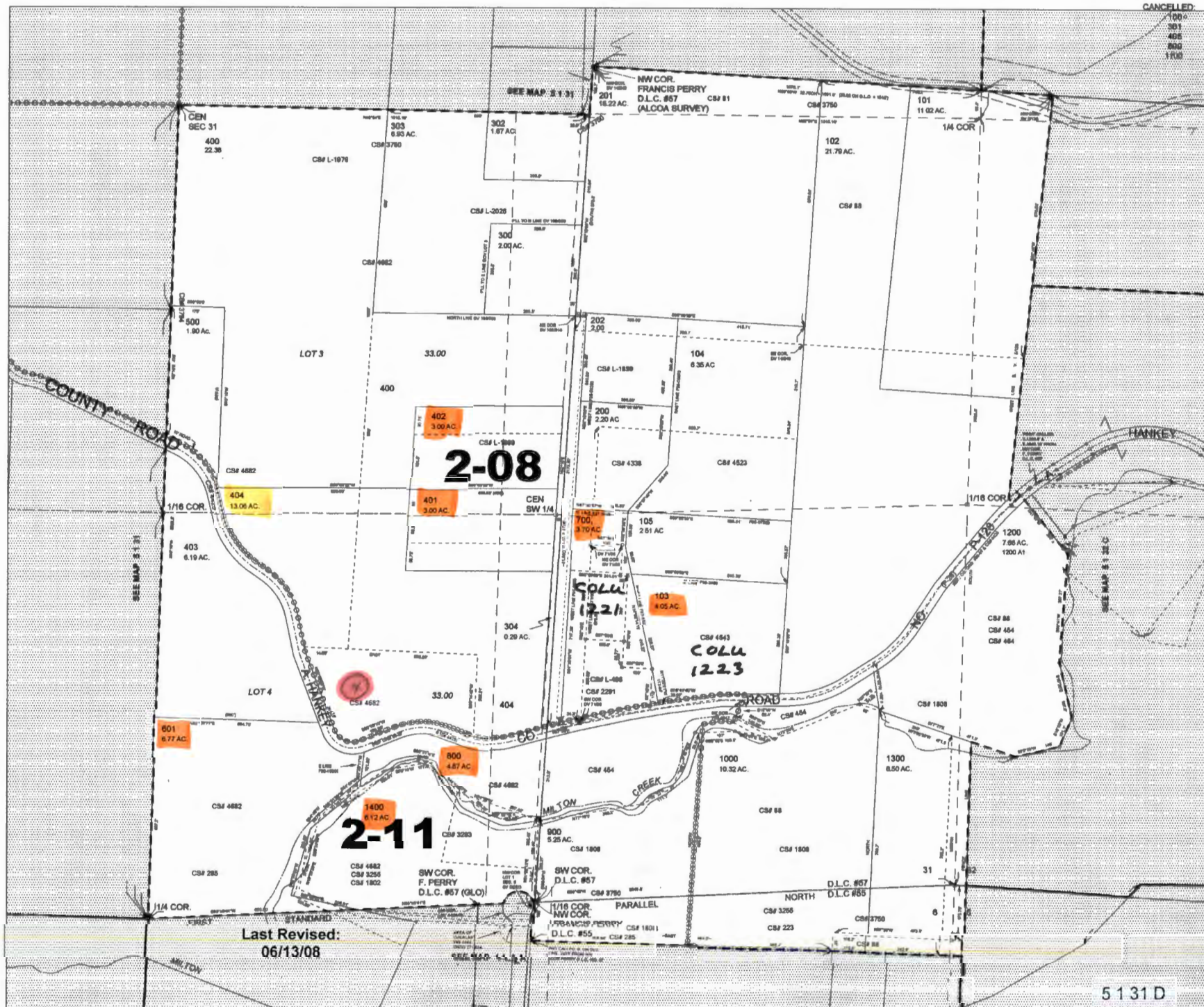
Month	Natural Stream Flow	Consumptive Uses and Storages	Expected Stream Flow	Reserved Stream Flow	Instream Flow Requirement	Net Water Available
JAN	57.20	77.10	-19.90	0.00	0.00	-19.90
FEB	67.70	77.10	-9.43	0.00	0.00	-9.43
MAR	60.90	77.00	-16.10	0.00	0.00	-16.10
APR	39.70	77.00	-37.30	0.00	0.00	-37.30
MAY	21.70	77.10	-55.40	0.00	0.00	-55.40
JUN	10.30	77.10	-66.80	0.00	0.00	-66.80
JUL	4.48	77.20	-72.70	0.00	0.00	-72.70
AUG	2.93	77.10	-74.20	0.00	0.00	-74.20
SEP	2.34	77.10	-74.70	0.00	0.00	-74.70
OCT	3.56	77.00	-73.40	0.00	0.00	-73.40
NOV	7.52	77.00	-69.50	0.00	0.00	-69.50
DEC	31.90	77.10	-45.20	0.00	0.00	-45.20
STO	34,100.00	55,800.00	6,790.00	0.00	0.00	6,790.00

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

application does not want PSI (Potential for Substantial Interf.)
since no water is available any month

A horizontal scale bar with tick marks at 0, 50, 100, and 200 feet. The text "0 50 100 200 Feet" is positioned above the bar.

5 1 31 D



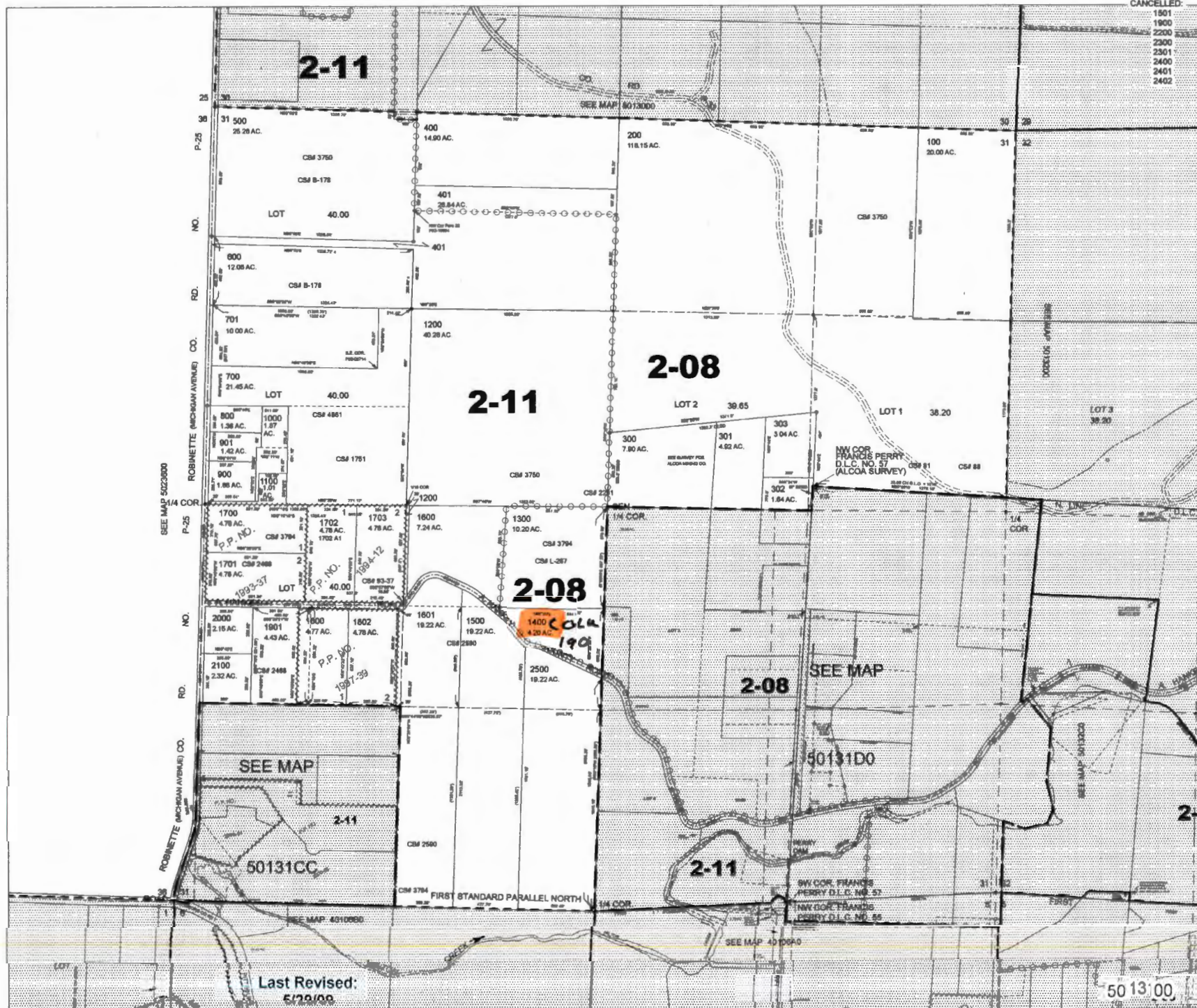
0 100 200 400 Fish

0 100 200 400 Fish Caught

1" = 400'

CANCELLED:

1501
1900
2200
2300
2301
2400
2401
2402



NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON
within 30 days from the date
of well completion.

RECEIVED
MAY 2 - 1972
STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

This is an existing well at the site
of the proposed well

Coly
1225

5N/W 31

(1) OWNER:

Name Francis E. McGilvra
Address Rte 2 Box 679 St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 31 ft. Gage 4, wall
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

air
water test 30 gal./min. with 105 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 31 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 2 sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons

of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number
1/4 1/4 Section 31 T. 5-N R. 1 W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 155 ft.

Static level 75 ft. below land surface. Date 4-26-72

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 200 ft. Depth of completed well 200 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	3	
Brown Clay	3	10	
Yellow clay	10	20	
Blue Clay	20	25	
Blue Hard rock	25	70	swl 75
Brown med. rock	70	120	
Blue med. rock	120	155	1st Water 155'
Brown broken rock	155	180	
Blue med. rock	180	190	
Black lava rock	190	200	

Commingles?

Loss of Artesian Pressure?

Work started 4-26-72 19 Completed 4-26-72 19

Date well drilling machine moved off of well 4-26-72 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Ralph Turner Date 5-1-72, 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Ralph Turner Drilling Co.
(Person, firm or corporation) (Type or print)

Address Rte 1 Box 141 Hillsboro, Oregon

[Signed] Ralph Turner
(Water Well Contractor)

Contractor's License No. 247 Date 5-1-72, 19

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

RECEIVED

STATE OF OREGON
(Please type or print)

SEP 12 1977 not write above this line)

State Well No. 5N/W-31dd6

State Permit No. 247

(1) OWNER:

Name Lee A. Breen, Oregon
Address Rt 5 Box 5744
St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

6" Diam. from 0 ft. to 51 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(5) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from ft. to ft.
Diam. _____ Slot size _____ Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

CONSTRUCTION:

Well seal—Material used cement
Well sealed from land surface to 51 ft.
Diameter of well bore to bottom of seal 6 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal 8 sacks
How was cement grout placed? pressure grouted

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number _____
NW 1/4 SE 1/4 Section 31 T. 5-N R. 2-W W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 62 ft.

Static level 90 ft. below land surface. Date 9-7

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 230 ft. Depth of completed well 230 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	1	
Brown clay	1	14	
Blue clay	14	34	
Brown clay	34	46	
Med. brown rock	46	62	
Black basalt	62	76	1st W.L.
Broken brown rock	76	81	
Black basalt	81	85	
Blue basalt	85	151	90 SWL
Seamy brown rock	151	154	
Brown lava	154	159	
Seamy brown rock	159	165	
Grey basalt	165	177	
Black lava	177	181	
Blue basalt	181	202	
Brown lava	202	230	

Work started 9-6 1977 Completed 9-7 1977

Date well drilling machine moved off of well 9-7 1977

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Ralph Turner Date 9-7, 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

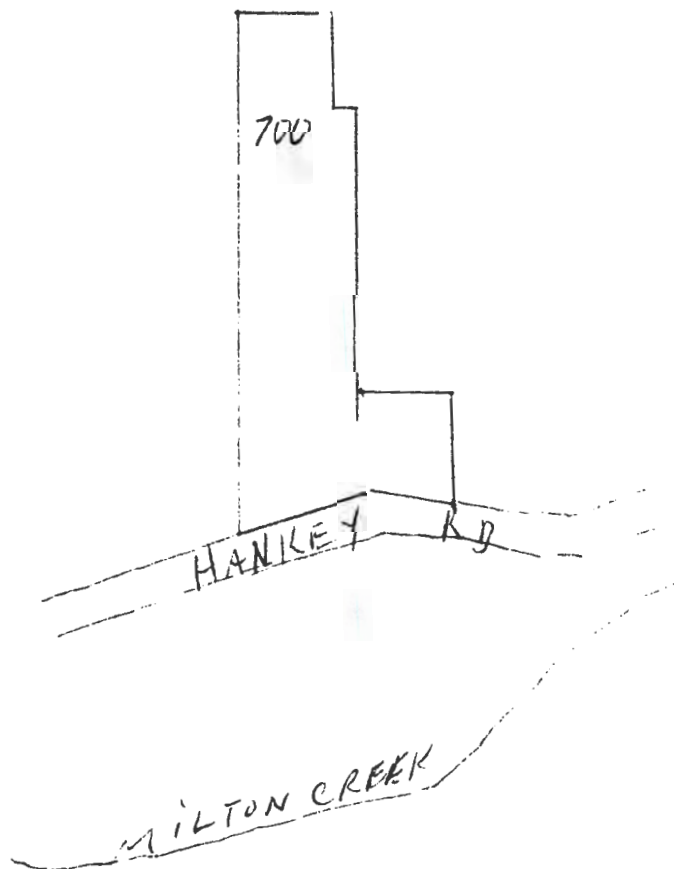
Name Turner Drilling Co. (Type or print)
(Person, firm or corporation)

Address Rt 1 Box 141 Hillsboro, Ore

[Signed] Ralph Turner (Water Well Contractor)

Contractor's License No. 247 Date 9-7, 1977

B. wadsworth, Inc.



5/1-31 ddb



NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

RECEIVED

WATER WELL REPORT 9
STATE OF OREGON
(Please type or print)
SEP 12 1977
(Do not write above this line)

State Well No. 5N/1W-31

State Permit No. 1223

WATER RESOURCES DEPT.

(1) OWNER: SALEM, OREGON

Name Julia A. McGilvra
Address Route 5 Box 5748
St Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 58 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Size of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

Water test 25 gal./min. with 80 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

CONSTRUCTION:

Well seal—Material used cement

Well sealed from land surface to 58 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 9 sacks

How was cement grout placed? pressure grouted

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number
1/4 1/4 Section 31 T. 5-N R. 1-W W.M.

Bearing and distance from section or subdivision corner

TL 103

(11) WATER LEVEL: Completed well.

Depth at which water was first found 64 ft.
Static level 70 ft. below land surface. Date 9-5-77
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 170 ft. Depth of completed well 170 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	1	
Brown clay	1	14	
Blue clay	14	34	
Brown clay	34	51	
Med. brown rock	51	64	
Black basalt rock	64	79	1st SWL
Broken brown rock	79	87	
Black basalt rock	87	98	
Blue basalt rock	98	150	
Brown lava	150	160	
Brown rock	160	170	

Work started 9-5 1977 Completed 9-5 1977

Date well drilling machine moved off of well 9-5 1977

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Ralph Turner Date 9-5-77
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name Turner Drilling Co.
(Person, firm or corporation) (Type or print)

Address Rt 1 Box 144 Hillsboro Ore

[Signed] Ralph Turner
(Water Well Contractor)

Contractor's License No. 247 Date 9-5 1977

COLU 1223

For Official Use Only:

Received Date:

County Well Log ID #

Well Identification Tag #

RECEIVED

JUN 25 2004

WATER RESOURCES DEPT
SALEM, OREGON

WELL IDENTIFICATION APPLICATION FORM

BUYER/CURRENT WELL OWNER:

Name: John McGilvraMailing Address: Po Box 1201City: St. Helens State: OR Zip: 97051 Phone: (503) 397-5534

NOTE: Well Identification Tag will be sent to the above address unless otherwise specified.

WELL LOCATION:

County: Columbia Owner's Well Number (1st or 2nd well on property, etc) 1stTownship: 5 N or S, Range: 1 E or W Section: 31 1/4 1/4Tax Lot Number: 5131-040-00103 4.05 Acres Type of Well: water supply X monitoringAddress of Well (if different from above): 34889 Hankey Road
St. Helens OR 97051

(Number) (Street) (City)

Does this well have a formal water right associated with it? Yes: No: X

If Yes: Application #: Permit #: Certificate #:

(Optional): Latitude Longitude (May sometimes be obtained from Well Log Report)

WELL INFORMATION: (do not complete remainder of application if drillers well report is attached)

See "Dear Landowner" letter for instructions in completing this portion of the application, or contact
the Well Identification Program at (503) 378-8455, extension 260.Start Card Number: Approx. Well Construction Date: 9-5-77Well Constructor: Turner Drilling Co.Name of Land Owner at Time of Construction: Julia A. McGilvra Route 5 Box 5748
St. Helens OR 97051Well Depth (in feet): 170' Static Water Level (in feet): 70'Diameter of Exposed Well Casing (in inches): 6"Please Return Completed Form to: Well ID Program @ Oregon Water Resources Department
158 12th Street NE - Salem, OR 97301-4172

PREVIOUS WELL ID APPLICATION VERSIONS SHOULD NOT BE USED

REVISED: 10/9/2001

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

RECEIVED WATER WELL REPORT
STATE OF OREGON

SEP 12 1977 (Please type or print)
(Do not write above this line)

WATER RESOURCES DEPT.

State Well No. 5N/1W/31

State Permit No. _____

(1) OWNER: SALEM, OREGON

Name Clifford Howard
Address 90 West ST.
St. Helens, Ore. 97057

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):

Rotary ☒ Driven ☐ Domestic ☒ Industrial ☐ Municipal ☐
Cable ☐ Jetted ☐ Irrigation ☐ Test Well ☐ Other ☐
Dug ☐ Bored ☐

CASING INSTALLED:

6" Diam. from 0 ft. to 41 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

of perforator used

Size of perforations in. by in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS: Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

_____ gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used cement
Well sealed from land surface to 41 ft.
Diameter of well bore to bottom of seal 6 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 7 sacks
How was cement grout placed? pressure

Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number _____
NE 1/4 SW 1/4 Section 31 T. 5-N R. 1 W.M.
Bearing and distance from section or subdivision corner

TL 1400

(11) WATER LEVEL: Completed well.

Depth at which water was first found 38 ft.
Static level 150 ft. below land surface. Date 9-8-77
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG: Diameter of well below casing 6

Depth drilled 245 ft. Depth of completed well 245 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Dark brown clay	0	6	
Grey clay	6	15	
Lt. brown clay	15	28	
Red clay	28	33	
Brown sandstone	33	38	
Blue basalt	38	105	1st Water
Brown lava	105	131	
Blue basalt	131	172	150 SWL
Brown lava	172	183	
Seamy brown rock	183	190	
Grey basalt	190	239	
Broken brown rock	239	245	

May Commingle

Work started 9-7 1977 Completed 9-8 1977

Date well drilling machine moved off of well 9-8 1977

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Ralph Turner Date 9-8 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

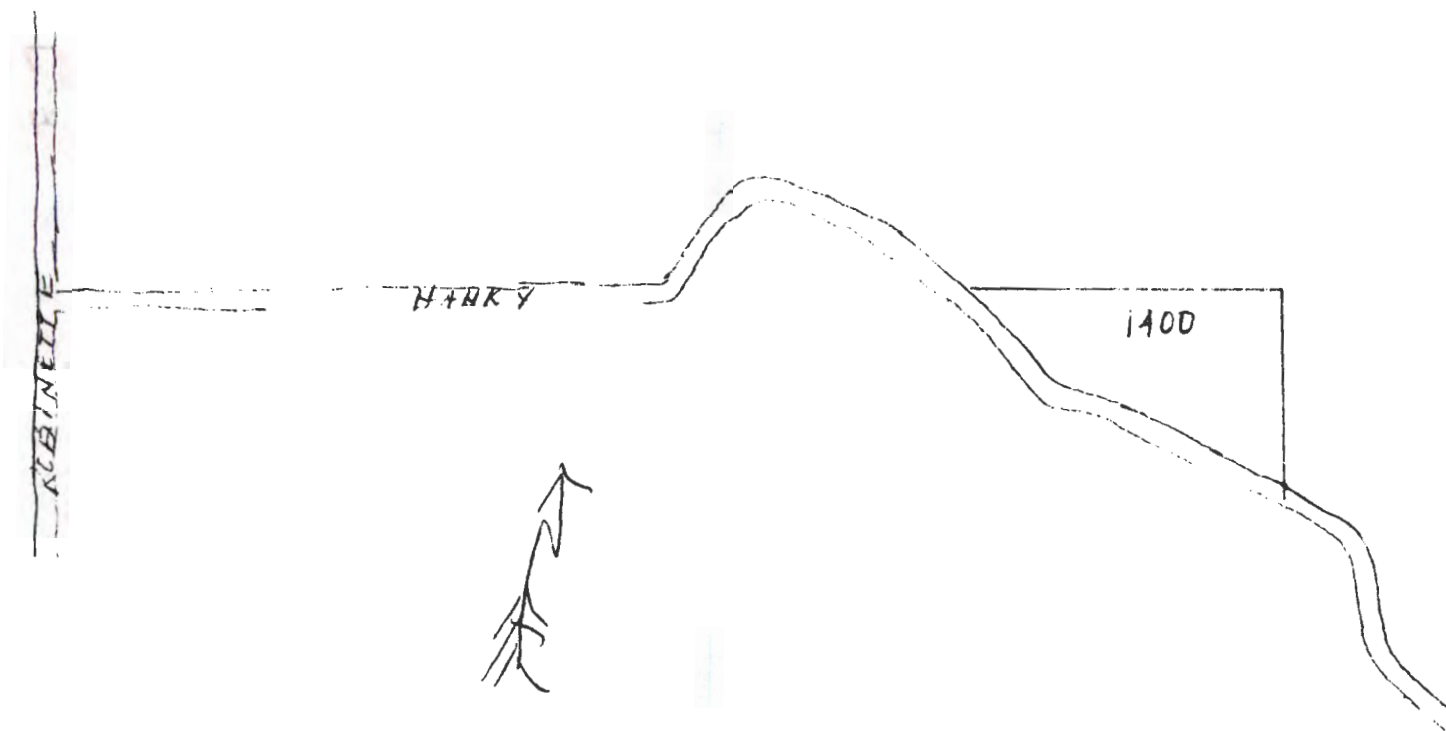
Name Turner Drilling Co. (Type or print)
Address RT1 Box 141 Hillsboro Ore.

[Signed] Ralph Turner (Water Well Contractor)

Contractor's License No. 297 Date 9-8 1977

(USE ADDITIONAL SHEETS IF NECESSARY)

Howard, Clifford



5/1-21 to a 2

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)
WATER RESOURCES DEPT.
SALEM, OREGON

State Well No. _____

State Permit No. _____

RECEIVED

SN-1W-32

FEB 9 - 1976

Col 4
1231

(1) OWNER:

Name Robert F. Harvy
Address Rte 2 Box 694 St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 112 ft. Gage 280
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No.

Manufacturer's Name _____
Type _____ Model No. _____
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

51r
Pump test 10 gal./min. with 113 ft. drawdown after 1 hrs.

Artesian flow g.p.m.
perature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement
Well sealed from land surface to 112 ft.
Diameter of well bore to bottom of seal 9 in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 11 sacks
Number of sacks of bentonite used in well seal sacks
Brand name of bentonite _____
Number of pounds of bentonite per 100 gallons of water lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number
Section 32 T. 5-N.R. 1-W W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 102 ft.
Static level 160 ft. below land surface. Date 1-6-76
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6
Depth drilled 245 ft. Depth of completed well 245 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Brown clay	0	6	
Red clay	6	48	
Brown clay	48	59	
Red clay	59	102	
Blue med. rock	102	212	1st 460 160 SWL
Brown lava rock	212	245	

Case + Seal off shallow aquifer to prevent communicating

Work started 1-5-76 19 Completed 1-6-76 19

Date well drilling machine moved off of well 1-6-76 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Ralph Turner Date 1-21-76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ralph Turner Drilling Co.
(Person, firm or corporation) (Type or print)

Address Rte 1 Box 141 Hillsboro, Oregon

[Signed] Ralph Turner
(Water Well Contractor)

Contractor's License No. 247 Date 1-21-76 19

I would like to... choose an option below

Secretary of State
136 State Capitol
Salem OR 97301

[SOS Home](#)[Archives](#)[Audits](#)[Corporation](#)[Elections](#)[Executive](#)

Audits Division

255 Capitol Street NE, Suite 500
Salem OR 97310
503 586 2255

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Results 1 to 1 of a total of 1 result(s) matching your criteria Fiscal Year = 2009, County = COLUMBIA,
Government Name Contains "mcnulty".
[Search Again.](#)

MCNULTY WATER PUD Type: PUBLIC UTILITY DISTRICTS Customer# 000891MUNI
Mailing Address:
34240 MILLARD RD
WARREN OR 97053

No audit report filed for fiscal year 2009.

qualifies as muni

[job opportunities](#)[contract opportunities](#)[site map](#)[text only version](#)[contact us](#)[www.oregon.gov](#)

MUNI 1.9.0 QA

FO Checklist

Application #: G-17282 Applicant: RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A

☒ Affected landowner(s) have been notified ☐ N/A ☒ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A

☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☒ Yes ☐ No

If so: _____

for - "within service boundary"
application form indicates beneficial use of water to begin

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

April 1, 2014
< 5 yrs.

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

Fees

Base Fee

Water Amount (Q)

\$300 / \$500

1st CFS/AF

\$700 / \$1000

_____ Add'l @ _____

_____ Add'l @ _____

Add'l ☐ POD/POA ☐ use + _____

_____ +
(base)

_____ =
(Q)

_____ =
(total exam fee)

EXAM FEE REQUIRED

1250

RECORDING FEE REQUIRED

\$250 / \$300 / \$400

EXAM FEE PAID

- 1250

RECORDING FEE PAID

- 400

STILL OWED

0

STILL OWED

0

___ FO w/ draft permit; still needed:

☒ FO w/ permit # G-16777

___ FO to deny
refund \$ _____

___ fees

___ easement

___ st water contract

___ approved dam plans & specs

___ land use approval

___ well construction approval

Name: Kerry Kavanagh

Date: 7/29/2010

Peer Reviewer: Jeana Eastman

7/29/10

McNULTY WATER PEOPLE'S UTILITY DISTRICT

34240 MILLARD ROAD
WARREN OR 97053

PO BOX 260
ST HELENS Oregon 97051

Office: (503) 397-1301
Fax: (503) 366-5616

July 13, 2010

Dwight French
Oregon Water Resources Department
Water Rights Section
725 Summer St. NE, Ste. A
Salem, OR 97301-1266

ATTN: Dwight French (per draft permit prepared by Brook Geffen)

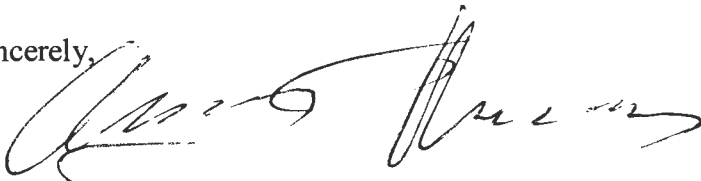
Re: Application G-17282

Dear Mr. French:

The McNulty Water PUD has reviewed your "Proposed Final Order" dated June 8, 2010, signed by others for Phillip Ward.

We have no comments or objections and ask that the Department proceed as proposed in your PFO.

Sincerely,



Andy Tinkess, General Manager
McNulty Water PUD

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-17282

Proposed Final Order

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

Application History

On November 4, 2009, McNulty Water People's Utility District submitted an application to the Department for the following water use permit:

- Amount of Water: 1.0 CUBIC FOOT PER SECOND (CFS)
- Use of Water: MUNICIPAL USE
- Source of Water: WELL MCGILVRA #2 IN MILTON CREEK BASIN
- Area of Proposed Use: COLUMBIA COUNTY WITHIN SECTION 5, SECTION 6, SECTION 7, SECTION 8, SECTION 17, AND SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 WEST, W.M.; SECTION 1, SECTION 2, SECTION 12, AND SECTION 13, TOWNSHIP 4 NORTH, RANGE 2 WEST, W.M.; SECTION 30 AND SECTION 31, TOWNSHIP 5 NORTH, RANGE 1 WEST, W.M.; AND SECTION 25, SECTION 26, SECTION 35, AND SECTION 36, TOWNSHIP 5 NORTH, RANGE 2 WEST, W.M.

On December 18, 2009, the Department mailed the applicant notice of its Initial Review, determining that "*The use of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use is allowable during the full period requested.*" The applicant did not notify the Department to stop processing the application within 14 days of that date.

On December 22, 2009, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

On January 5, 2010, the applicant submitted an updated Land Use Information Form which demonstrated the proposed use of water and locations where water will be diverted, conveyed, and used complies with the local acknowledged comprehensive land-use plan.

On April 7, 2010, the applicant submitted documentation which demonstrated that the public notice requirement had been met.

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

- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program allows MUNICIPAL USE.

WELL MCGILVRA #2 IN MILTON CREEK BASIN is not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

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

In making this determination, the Department considered whether:

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

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

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

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that the amount of water requested, 1.0 CFS, is an acceptable amount.

The proposed ground water use is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 8, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **July 23, 2010**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than **July 23, 2010**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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

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

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

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

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

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

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

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF COLUMBIA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
PO BOX 260
SAINT HELENS, OR 97051

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

APPLICATION FILE NUMBER: G-17282

SOURCE OF WATER: WELL MCGILVRA #2 IN MILTON CREEK BASIN

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 1.0 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 4, 2009

WELL LOCATION: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND
1950 FEET WEST FROM SE CORNER, SECTION 31

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NW $\frac{1}{4}$	SE $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$	SECTION 6
SECTION 5	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$
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SW $\frac{1}{4}$ NW $\frac{1}{4}$	SW $\frac{1}{4}$ NW $\frac{1}{4}$
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NW $\frac{1}{4}$ SW $\frac{1}{4}$	NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$	SW $\frac{1}{4}$ SW $\frac{1}{4}$
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SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ SE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
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SE $\frac{1}{4}$ SW $\frac{1}{4}$
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SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 8

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
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NE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 18

TOWNSHIP 4 NORTH, RANGE 1
WEST, W.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 1

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$
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SECTION 12

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NE $\frac{1}{4}$ NW $\frac{1}{4}$
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SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 13

TOWNSHIP 4 NORTH, RANGE 2
WEST, W.M.

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 30

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$

SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 31

TOWNSHIP 5 NORTH, RANGE 1
WEST, W.M.

SW ¼ NE ¼
SE ¼ NE ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 25

SW ¼ NE ¼
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SW ¼ SE ¼
SE ¼ SE ¼

SECTION 26

NE ¼ NE ¼
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SE ¼ SE ¼

SECTION 35

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NW ¼ NE ¼

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NE ¼ SW ¼
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SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼

SECTION 36

TOWNSHIP 5 NORTH, RANGE 2
WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - C. The permittee shall allow 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.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
- (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).

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

The well shall produce ground water from no shallower than 125.0 feet below land surface.

STANDARD CONDITIONS

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department

approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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

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

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

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

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

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

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

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

Issued

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

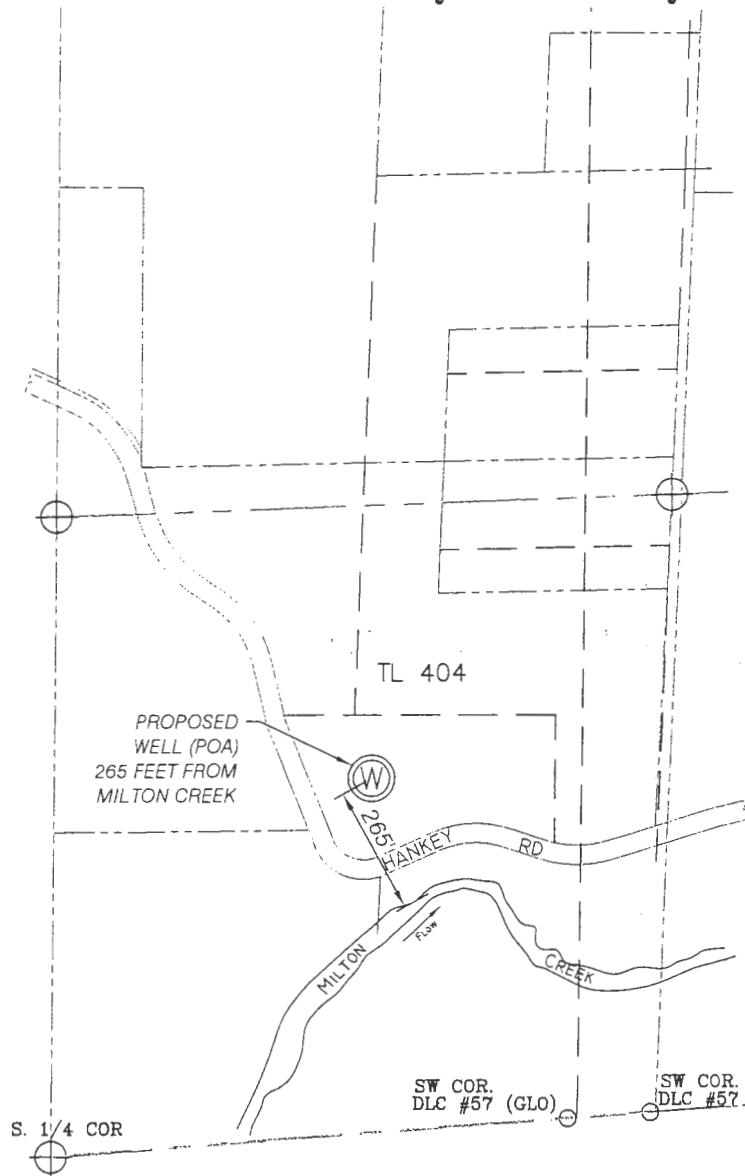
RECEIVED

G-7282

NOV 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



SCALE: 1"=400'

PREPARATION OF THIS MAP IS FOR
THE PURPOSE OF IDENTIFYING THE
LOCATION OF THE PROPOSED POA
ONLY. THERE IS NO INTENT TO
PROVIDE DIMENSIONS OR LOCATION
OF PROPERTY OWNERSHIP LINES.

NOTES

POA IS 1950 FEET WEST AND 591 FEET
NORTH OF THE SE COR, SEC 31

POINT OF
BEGINNING OF
SURVEY

31 32
6 5

WATER USE PERMIT
APPLICATION MAP

IN THE NAME OF
THE McNULTY WATER PUD
FOR
QUASI-MUNICIPAL USE

FROM A PROPOSED WELL (McGILVRA #2) IN THE DART CREEK BASIN
SURVEYED JULY 30, 2009, BY JOHN E. BORDEN, CWRE

LEGEND

- PROPERTY LINE
- USGS GRID
- SURVEYLINE
- ⊙ SECTION CORNER
- DLC CORNER
- ⊙ WELL (I.O.A.)

JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilyra Well

FILE PATH & NAME: E:\McNulty\McGilyra\McGilyra_102509.dwg

T4N R1W, T4N R2W, T5N R1W, T5N R2W, W.
COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

S

AND CLAIM

Application No.

the

Q

from a well (Rc
Survey
by J

NOTE:

Well lo
523 fe
54 fee
SE Cor

LEG

P.O.U

P.O.U

USGS

ROAD

RAILW

POWE

OPEN

WATER

CLAIM

SECTI

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1/4-

WELL

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RESE

PREPARATION
OF IDENTIFY
ONLY. THERE
OR LOCA

JOHN
CONS

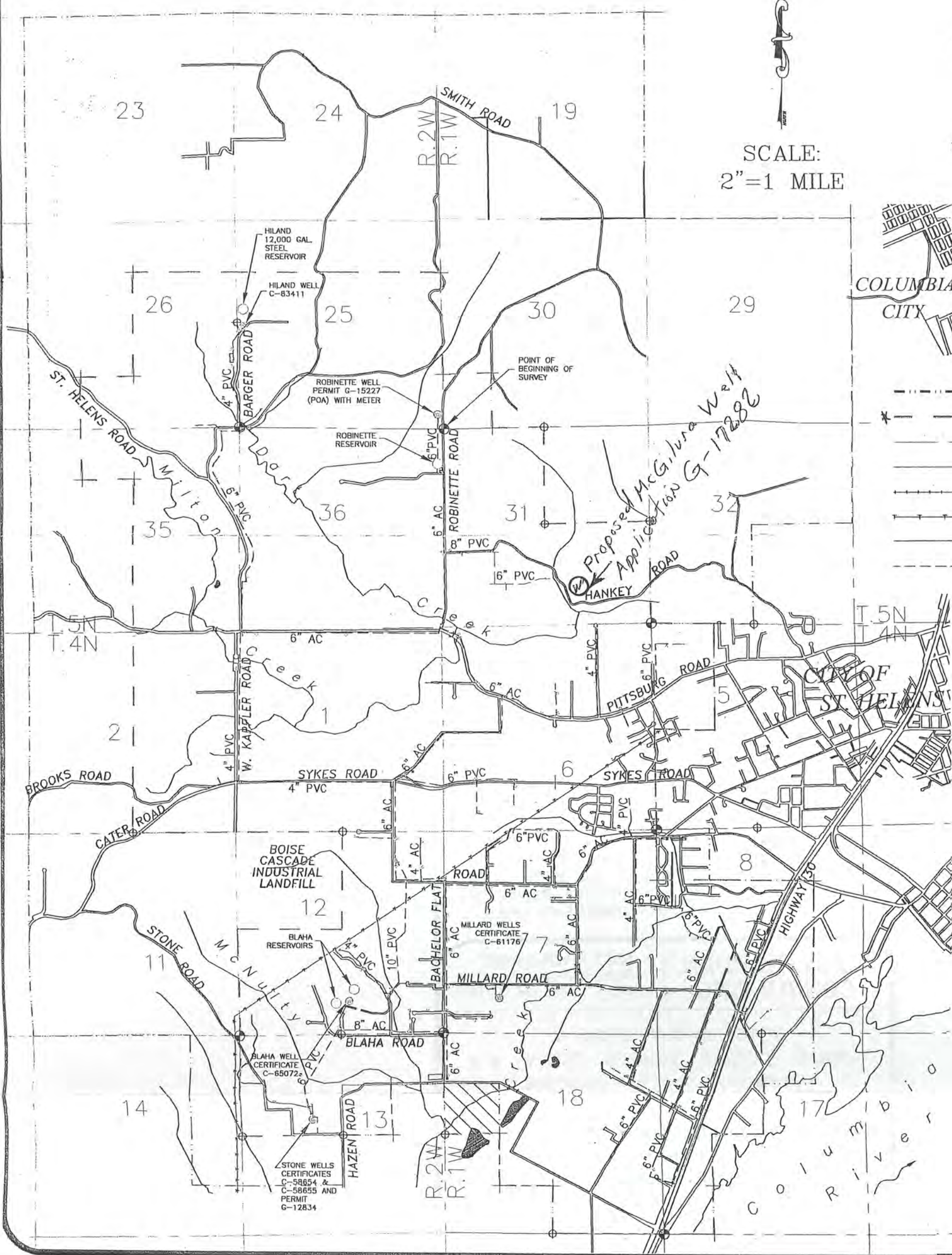
T4NR1W
CC

SURVEYED

SURVEYED

SCALE: 2"

FILEPATH



T, T5N R2W, W.M.

OREGON

G-17282

G-17282

SURVEY MAP

AND CLAIM OF BENEFICIAL USE UNDER

Application No. G-15279, Permit No. G-15227

In The Name Of

the McNulty Water PUD

for

Quasi-Municipal Use

from a well (Robinette) in the Dart Creek Basin

Surveyed November 21, 2008

by John E. Borden, CWRE

SCALE:

1 MILE



NOTE:

Well location (P.O.A.) is
523 feet North and
54 feet West from the
SE Cor Sec 25, T5N, R2W, W.M.

LEGEND

	P.O.U. PERMITTED
	P.O.U.
	USGS GRID
	ROADWAY
	RAILWAY
	POWER LINE
	OPEN WATER
	WATER DISTRIBUTION
	CLAIMED AREA OUTSIDE OF PERMITTED AREA
	SECTION CORNER
	1/4 CORNER
	1/4-1/4 CORNER
	WELL
	GATE VALVE
	PRESSURE REDUCTION VALVE
	FIRE HYDRANT
	RESERVOIR

RECEIVED

NOV 06 2009

WATER RESOURCES DEPT
SALEM, OREGON

PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

JOHN BORDEN
CONSULTING

5597 RIVER STREET
503-723-4257
WEST LINN, OR. 97068

IN THE SECTIONS SHOWN OF
T4NR1W, T4NR2W, T5NR1W, T5N2W, W.M.
COLUMBIA COUNTY, OREGON.

SURVEYED FOR: MCNULTY WATER PUD

SURVEYED BY: JOHN E. BORDEN

11/21/08

SCALE: 2" = 1 MILE

DRAWN: CRW

08/01/09

FILEPATH & NAME: E:/ROBINETTE WELL/RobinetteWell_081309.dwg

Mailing List for PFO Copies

Application #G-17282

PFO Date June 8, 2010

Original mailed to applicant:

MCNULTY WATER PEOPLE'S UTILITY DISTRICT, PO BOX 260, SAINT HELENS, OR 97051

Copies sent to:

1. WRD - File # G-17282
2. Water Availability: Ken Stahr
3. Regional Well Inspector: NW

Copies Mailed
By: JCB
(SUPPORT STAFF)
on: 6/7/10
(DATE)

PFO and Map Copies sent to:

4. WRD - Watermaster # 18

Protest/
Standing Dates
checked
5/19/10 JCB

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

5. John Borden

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : geffenba

McNULTY WATER PEOPLE'S UTILITY DISTRICT

34240 MILLARD ROAD
WARREN OR 97053

PO BOX 260
ST HELENS Oregon 97051

Office: (503) 397-1301
Fax: (503) 366-5616

April 7, 2010

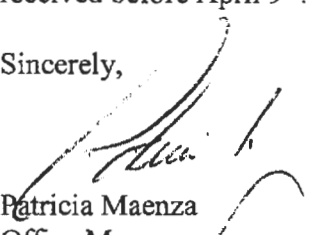
Brook Geffen
Water Resources Department
North Mall Office Building
725 Summer St. Ne, Suite A
Salem Oregon 97301

Reference: File G-17282

Dear Ms. Geffen:

Enclosed is a copy of the affidavit of publication regarding, File G-17282, you requested to be received before April 9th.

Sincerely,


Patricia Maenza
Office Mgr.
McNulty Water PUD

RECEIVED
APR 07 2010
WATER RESOURCES DEPT.
SALEM, OREGON

**AFFIDAVIT
OF
PUBLICATION**

COUNTY OF COLUMBIA
STATE OF OREGON SS.

I, Donald Patterson, being first duly sworn, depose and say that I am the Publisher of The Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, printed and published at St. Helens, in the aforesaid county and state; that the A printed copy of which is

**MCNULTY WATER
PEOPLE'S UTILITY DISTRICT**

Notice of Water Use Request

hereby annexed, was published in the entire issue of said newspaper for

3 (three) successive and consecutive weeks in the following issues:

**February 24 March 3 & 10
2010**

Donald Patterson

Donald Patterson

Subscribed and sworn before me this

10th day of
March, 2010

Alexandra K. McClure

 OFFICIAL SEAL
ALEXANDRA K. McCLURE
NOTARY PUBLIC-OREGON
COMMISSION NO. 446085
MY COMMISSION EXPIRES JANUARY 25, 2014

**NOTICE OF WATER
USE REQUEST**

Regarding application
#G-17282

The Oregon Water Resources Department is evaluating the request by McNulty Water PUD to use 1.0 cubic foot per second from well McGilvra #2 in Milton Creek Basin for municipal use. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

The wells are located in SWSE, SECTION 31, T5N, R1W, W.M.; FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

For further information contact the Water Resources Department Water Rights Information Group at 503-986-0801. Written information requests may be addressed to the Oregon Water Resources Department at 725 Summer St NE Ste A, Salem Oregon 97302-1266

Publish: February 24,
March 3 & March 10,
2010
#8822

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APR 07 2010

WATER RESOURCES DEPT.
SALEM, OREGON

McNULTY WATER PEOPLE'S UTILITY DISTRICT

34240 MILLARD ROAD
WARREN OR 97053

PO BOX 260
ST HELENS Oregon 97051

Office: (503) 397-1301
Fax: (503) 366-5616

April 7, 2010

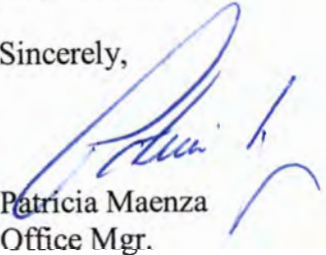
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Water Resources Department
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Sincerely,


Patricia Maenza
Office Mgr.
McNulty Water PUD

Faxed & Mailed

RECEIVED
APR 09 2010
WATER RESOURCES DEPT
SALEM, OREGON

**AFFIDAVIT
OF
PUBLICATION**

COUNTY OF COLUMBIA
STATE OF OREGON SS.

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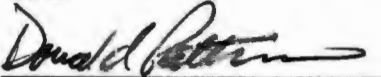
**MCNULTY WATER
PEOPLE'S UTILITY DISTRICT**

Notice of Water Use Request

hereby annexed, was published in the entire issue of said newspaper for

3 (three) successive and consecutive weeks in the following issues:

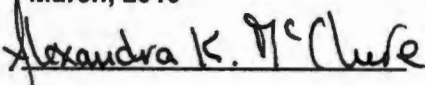
**February 24 March 3 & 10
2010**



Donald Patterson

Subscribed and sworn before me this

10th day of
March, 2010



**NOTICE OF WATER
USE REQUEST**

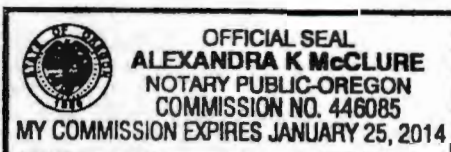
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Publish: February 24,
March 3 & March 10,
2010
#8822



RECEIVED
APR 09 2010
WATER RESOURCES DEPT
SALEM, OREGON

ENTERED BY
WATER RESOURCES DE

APR 03 2010

RECEIVED



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
ATTN: RICHARD LOUIE
PO BOX 260
SAINT HELENS, OR 97051

February 9, 2010

Reference: File G-17282

Dear Mr. Louie:

Upon further review of this application, the Department noticed the requirement to provide public notice to all affected landowners prior to permit issuance has not been met. On January 5, 2010, the Department received a letter from Andy Tinkess, which stated that once the applicant received the suggested notice that the notice would be published. Enclosed is a copy of the language that is recommended for a newspaper notice of water use for your convenience.

You indicated on the application form that you do not own all the land where you propose to divert, transport, and use water. OAR 690-310-0020(1) requires the Department to provide notice to all affected landowners prior to issuing a permit. OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application once each week for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

Please submit an affidavit of publication following completion of the notice period no later than April 9, 2010. If you are unable to submit the information requested above, you may request an administrative hold for up to 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

Once the Department has received an affidavit of publication following completion of the notice period, I will proceed with the Proposed Final Order.

Sincerely,

Brook Geffen
Water Right Application Caseworker

enclosures: Notice of Water Use Request

cc: WM#18
File
John Borden

NOTICE OF WATER USE REQUEST

Regarding: Application #G-17282

The Oregon Water Resources Department is evaluating the request by McNulty Water PUD to use 1.0 cubic foot per second from well McGilvra #2 in Milton Creek Basin for municipal use. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

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NOTICE OF WATER USE REQUEST

Regarding: Application #G-17282

The Oregon Water Resources Department is evaluating the request by McNulty Water PUD to use 1.0 cubic foot per second from well McGilvra #2 in Milton Creek Basin for quasi-municipal use. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

The wells are located in SWSE, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

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T4N R1W, T4N R2W, T5N R1W, T5N R2W, W.1
COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

SI

AND CLAIM

Application No.

the

Q

from a well (Ro
Survey
by J

NOTE:
Well loc
523 fe
54 feet
SE Cor

LEG

- P.O.U.
- P.O.U.
- USGS
- ROAD
- RAILW
- POWER
- OPEN
- WATER
- CLAIM
- SECTI
- 1/4 C
- 1/4-1
- WELL
- GATE
- PRESS
- FIRE I
- RESEF

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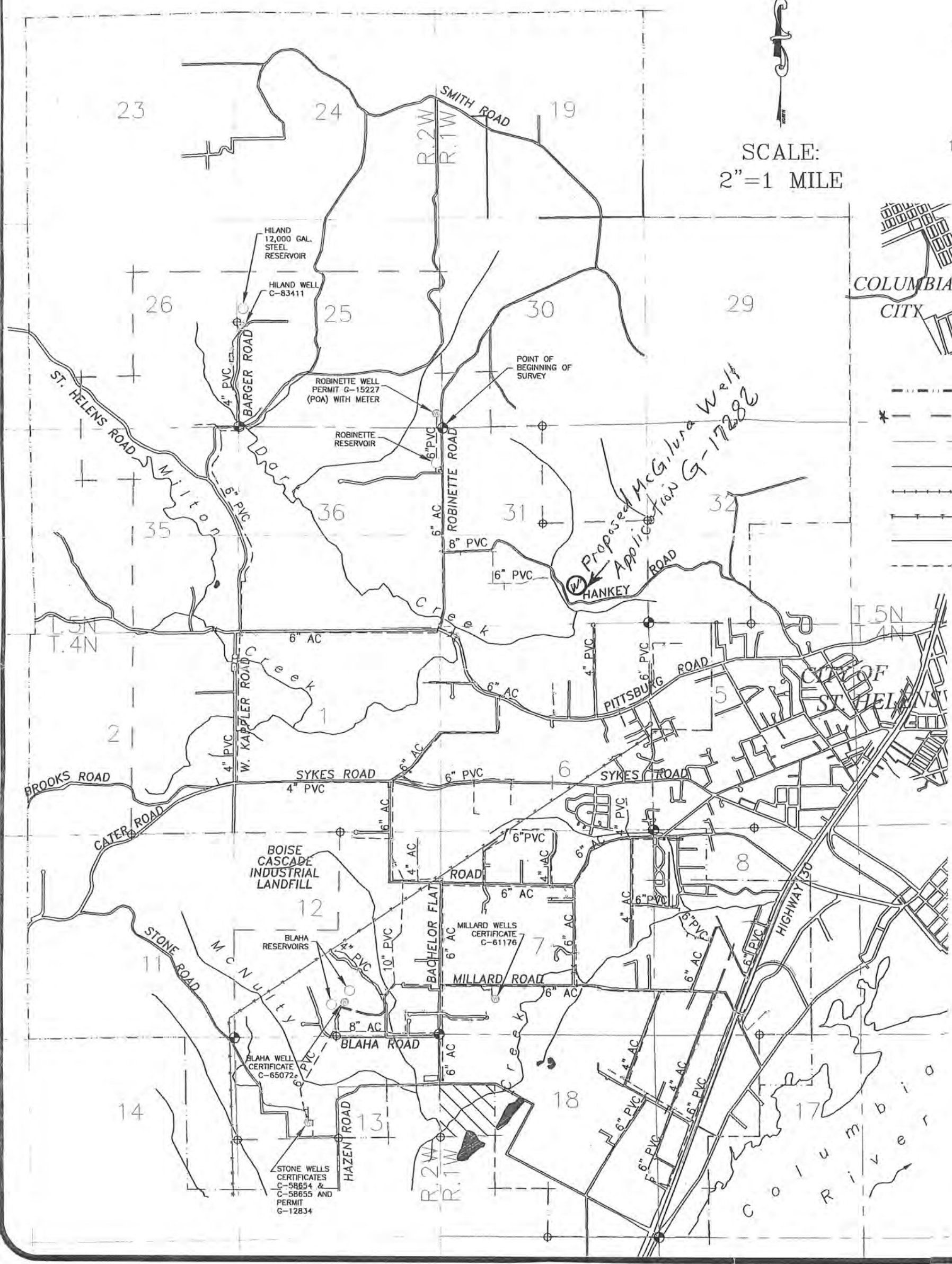
T4NR1W,
CO

SURVEYED 1

SURVEYED 1

SCALE: 2" =

FILEPATH



T5N R2W, W.M.

OREGON

G-17282

SURVEY MAP

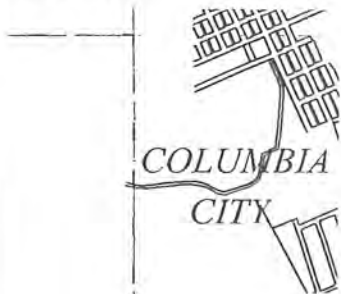
AND CLAIM OF BENEFICIAL USE UNDER

Application No. G-15279, Permit No. G-15227

In The Name Of
the McNulty Water PUD
for

Quasi-Municipal Use
from a well (Robinette) in the Dart Creek Basin
Surveyed November 21, 2008
by John E. Borden, CWRE

SCALE:
MILE



NOTE:
Well location (P.O.A.) is
523 feet North and
54 feet West from the
SE Cor Sec 25, T5N, R2W, W.M.

LEGEND

- P.O.U. PERMITTED
- - - P.O.U.
- USGS GRID
- ROADWAY
- RAILWAY
- POWER LINE
- OPEN WATER
- WATER DISTRIBUTION
- CLAIMED AREA OUTSIDE OF PERMITTED AREA
- ⊕ SECTION CORNER
- ⊕ 1/4 CORNER
- + 1/4-1/4 CORNER
- ⊙ WELL
- ⊙ GATE VALVE
- ⊙ PRESSURE REDUCTION VALVE
- ⊙ FIRE HYDRANT
- ⊙ RESERVOIR

RECEIVED

NOV 06 2009

WATER RESOURCES DEPT
SALEM, OREGON

PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

JOHN BORDEN
CONSULTING

5597 RIVER STREET
503-723-4257
WEST LINN, OR. 97068

IN THE SECTIONS SHOWN OF
T4NR1W, T4NR2W, T5NR1W, T5N2W, W.M.
COLUMBIA COUNTY, OREGON.

SURVEYED FOR: MCNULTY WATER PUD

SURVEYED BY: JOHN E. BORDEN

11/21/08

SCALE: 2" = 1 MILE

DRAWN: CRW

08/01/09

FILEPATH & NAME: E:/ROBINETTE WELL/RobinetteWell_081309.dwg

PFO Checklist

Application #: G-17282 Applicant: RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

☒ Was the application filed after 10/23/99? Y / N (If not, add A date requirement)

☒ POD characteristics identifies as DEQ 303d? Y / N / NA If Y, was DEQ cc'd at IR? (If not, copy them on PFO)

☒ IR Date 12/18/09 Public Noticed on 12/22/09 Comments? Y / N Comment eval?

☒ IR requested add'l info Y / N All info received

☒ Is second gw review necessary? Y / N / NA Complete? Y / N Add'l fees ☐ necessary ☐ collected ☐ needed

☒ Has Water Availability changed from IR? Y If source is Col R, use special w/a lang in RC

☒ Have conflicts been addressed? Y / N / NA

☒ POD/POU are correct per the map ✓

☒ Needed prior to permit: ☐ NA ☐ fees ☐ easement ☐ LU approval ☐ evidence of well repair ☐ storage contract ☐ plans/specs

☒ Changes from IR determinations ✓

* newspaper notice still req'd -> submitted 4/1/2010

☒ Allowed Use/Rate/Season mini / 1.0 CFS / yr. rain Limit — Duty —

☒ Conditions Large 7'

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

☒ SWW If GW and interference, copy form for Stahr. NA

☒ Copy to Reg Manager — WM 18 CWRE John Brader Agent —

☒ Fees

Base Fee

Water Amount (Q)

\$300 / \$500

\$700 / \$1000

1" CFS/AF

250

_____ Add'l @ _____

Add'l ☐ POD/POA ☐ use + _____

1000 +
(base)

250 = 1250
(Q) (total exam fee)

EXAM FEE REQUIRED	<u>1250</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>—</u>	RECORDING FEE PAID	<u>400</u>
STILL OWED	<u>—</u>	STILL OWED	<u>—</u>

Name: Brook Geffen Date: 2/9/2010

Peer Reviewer: hth

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

IR CHECKLIST

Application #: G-17282 Applicant: RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

Use(s): QUASI-MUNICIPAL USES Priority Date: November 04, 2009

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☒ Fujii reviewed recommendations no wmp

☒ Is the application complete? ☐ No ☒ Yes

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

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

☐ classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions 7i

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage _____ WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

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

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

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☐ OAR ☐ Compact 690 502-0160

☒ Requested Use/Rate/Season muni / 1.0 / yr. round

Allowed Use/Rate/Season muni / 1.0 / yr. round Limit — Duty —

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

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

☒ Authorized agent specified ☐ NA ☐ needed ☐ Yes none

☒ Conditions: large 7i

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☐ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☐ Large ≥ 0.5 CFS, ≥ 100 AF
Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
Use "Large" for temp control (including NU), Tenmile Lake, or if applicant is a government entity
Use "Large-7i" if GW recommends 7i
Use "Large with TFM" for HC exceptions, IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

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

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

Application #: G-17282 Applicant: RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT

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

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

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

☒ Forms ☐ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other newspaper notice

☒ Copy to ☐ NWR ☒ WM # 18 ☐ ODFW ☐ CRIFC
☐ NCR ☐ agent ☐ DEQ ☐ US Fish & Wildlife
☐ ER ☐ CWRE ☐ DOA ☐ NW Planning Council
☐ SWR ☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

☒ Prior to permit, applicant must submit ☐ NA ☐ storage contract ☐ easement ☐ plans/specs ☒ evidence of newspaper public notice

☒ App and map meet min. requirements ☒ Yes ☐ No _____
(If not, send IR certified)

☒ Scanned images exist for application form and map

☒ Fees 1.00 CFS
_____ AF

Base

Up to 1 CFS

_____ Add'l CFS

Up to 20 AF

_____ Add'l AF @ \$1

Add'l _____ POD/POA _____ use +

Exam Fee Required =

Exam Fee Paid

Still Owed

* 400 recording paid *

Name: Brook Geffen Date: 12/3/2009

Peer Reviewer: _____

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Oregon Water Resources Department Land Use Information Form

RECEIVED

JAN 05 2010

WATER RESOURCES DEPT
SALEM, OREGON

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) only the place of use is proposed for change;
 - b) there are no structural changes;
 - c) the use of water is for irrigation; and
 - d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant: McNulty Water People's Utility District (PUD)
First Last

Mailing Address: 39290 Millard Road c/o P.O. Box 260

St. Helens OR 97051 Daytime Phone: 503-397-1301
City State Zip

A. Land and Location

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

Township	Range	Section	1/4	Tax Lot #	Plan Designation (e.g., Rural Residential RR-5)	Water to be:			Proposed Land Use:
5N	1W	31	SWSE	404	FA-19	☒ Diverted	☒ Conveyed	☒ Used	
5N	1W	Sections		18, 30, 31, 32		☐ Diverted	☒ Conveyed	☒ Used	
5N	2W	Sections		23, 24, 25, 26, 35, 36		☐ Diverted	☒ Conveyed	☒ Used	
4N	1W	Sections		5, 6, 7, 8, 17, 18		☐ Diverted	☒ Conveyed	☒ Used	
4N	2W	Sections		1, 2, 11, 12, 13, 14		☒ Diverted	☒ Conveyed	☒ Used	

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

Columbia County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir-Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

McGillivray well #2 will provide quasi-municipal/municipal water for the PUD to serve customers in the south of the pressure zones. The well will also serve as an emergency supply if booster pumps provide water to these zones from the Warren Bench (back down on house power).

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

RECEIVED

JAN 05 2010

WATER RESOURCES DEPT
SALEM, OREGON**For Local Government Use Only**

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Allowed Outright 660-006-0025(1)(1)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
NA	Part XIV Comprehensive Plan (Public Facilities and Services)	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	OTAR 660-006-0025(4)(4)	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
	Permitted Uses	☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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



Name: Erika Owen Title: Planner II

Signature: Erika Owen Phone: 503-397-7216 Date: 12/22/09

Government Entity: Columbia County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

December 28, 2009

Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR 97301-1271

ATTN: Brook Geffen

Re: File G-17282

Dear Ms. Geffen:

The McNulty Water PUD has reviewed your letter dated December 18, 2009. Thank you for your clear description of the additional information that the PUD needs to provide.

The numbers in our responses below correspond to those listed in your December 18 letter.

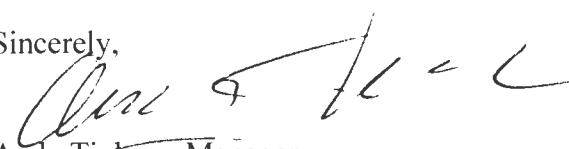
5. We have considered potential alternative water use classifications such as "Group Domestic" and conclude that we must accept the Department's conclusion in its limited application to matters of water rights. Accordingly, we agree to be considered "municipal" provided that such classification ramifications are limited to the matter of a water use permit application.

6. Public notice – once the PUD receives the suggested notice, the PUD will follow the Department's instructions and publish the notice once each week for three weeks in our local newspaper, all three notices being within 45 days of initial publication if possible.

7. Enclosed please find another Land Use Information Form (LUIF). The only difference from the LUIF previously submitted is that the entire Place of Use proposed is listed.

If you have questions or need further information, please contact our CWRE, Mr. John Borden, at 5597 River St., West Linn, OR 97068, phone 503-723-4257.

Sincerely,


Andy Tinkess, Manager
McNulty Water PUD

RECEIVED

JAN 05 2010

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

MCNULTY WATER PEOPLE'S UTILITY DISTRICT
ATTN: RICHARD LOUIE
PO BOX 260
SAINT HELENS, OR 97051

December 18, 2009

Reference: File G-17282

Dear Mr. Louie:

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

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

Initial Review Determinations:

1. The application proposed the use of 1.0 cubic foot per second (CFS) of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from well McGilvra #2 in Milton Creek Basin for municipal use is allowable under the Willamette Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

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

5. McNulty Water People's Utility District is a municipal corporation. Municipal corporations qualify for municipal use, however, they do not qualify for quasi-municipal use. Per your application materials, it is unclear if you intended to apply for municipal use or quasi-municipal use. Unless you submit additional clarification to the Department by **Thursday, January 21, 2010**, the Department will continue to process your application for municipal use.
6. Please refer to the **Additional Information Requested** section below for specific information regarding public notice to affected landowners.
7. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the submitted Land Use Information Form.

Summary of Initial Determinations

The use of water from well McGilvra #2 in Milton Creek Basin for year-round municipal use is allowable during the full period requested.

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

Additional Information Requested

Newspaper Publication Requested

You indicated on the application form that you do not own all the land where you propose to divert, transport, and use water. OAR 690-310-0020(1) requires the Department to provide notice to all affected landowners prior to issuing a permit. OAR 690-310-0020(2) specifies that if there are more than 25 landowners involved in the proposed use, the notice may be satisfied by publishing a notice of the application once each week for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The cost of the publication is to be paid by the applicant.

The Department requests that you have the required notice published. The language to be used in the notice is attached. A copy of the affidavit of publication must be submitted to the Department following completion of the notice period. If the three weekly notices have not been published within 45 days from the date of this Initial Review, please submit a receipt demonstrating that this process has been initiated.

Additional Information Required

Additional information is required prior to issuance of any Proposed Final Order that may recommend permit approval.

Under OAR 690-005-0035 (2)(d), the Department must receive a completed Land Use Information Form or a receipt signed and dated by the relevant planning jurisdiction that states the proposed use of water and location(s) where water will be diverted, conveyed, and used comply with the local acknowledged comprehensive land-use plan. It appears that the Land Use Information Form submitted with your application only includes approval for a portion of lands where water will be diverted, conveyed, and used being, taxlot 404, SWSE, section 31, T5N, R1W, W.M. A copy of your Land Use Information Form is enclosed for your convenience.

Please submit land use approval for all lands where you propose to divert, convey and use water no later than Thursday, January 14, 2010. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, January 1, 2010**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - C. The permittee shall allow 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.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. The well shall produce ground water from no shallower than 125.0 feet below land surface.

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

If you have any questions:

Feel free to call me at 503-986-0808 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General

questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink that reads "Brook Geffen" followed by a horizontal flourish.

Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17282
WAB 2- NA
POU 2- NA
GW

APPLICATION FACT SHEET

Application File Number: G-17282

Applicant: MCNULTY WATER PEOPLE'S UTILITY DISTRICT

County: COLUMBIA

Watermaster: 18

Priority Date: NOVEMBER 4, 2009

Source: WELL MCGILVRA #2 IN MILTON CREEK BASIN

Use: MUNICIPAL USE

Quantity: 1.0 CFS

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 4 MILTON CR

Well McGilvra #2 Location: SWSE, SECTION 31, T5N, R1W, W.M.; 591 FEET NORTH AND 1950 FEET WEST FROM SE CORNER, SECTION 31

Place of Use:

NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 6

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 7

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 8

TOWNSHIP 4 NORTH, RANGE 1
WEST, W.M.

TOWNSHIP 4 NORTH, RANGE 1
WEST, W.M.

SECTION 1

SECTION 2

SECTION 12

SECTION 13

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 30

SECTION 31

SW	$\frac{1}{4}$	NE	$\frac{1}{4}$
SE	$\frac{1}{4}$	NE	$\frac{1}{4}$
SW	$\frac{1}{4}$	NW	$\frac{1}{4}$
SE	$\frac{1}{4}$	NW	$\frac{1}{4}$
NE	$\frac{1}{4}$	SW	$\frac{1}{4}$
NW	$\frac{1}{4}$	SW	$\frac{1}{4}$
SW	$\frac{1}{4}$	SW	$\frac{1}{4}$
SE	$\frac{1}{4}$	SW	$\frac{1}{4}$
NE	$\frac{1}{4}$	SE	$\frac{1}{4}$
NW	$\frac{1}{4}$	SE	$\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 25

SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 35

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 36

TOWNSHIP 5 NORTH, RANGE 2
WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 1, 2010

PUBLIC NOTICE DATE: Tuesday, December 22, 2009

30 DAY COMMENT DEADLINE DATE: Thursday, January 21, 2010

Mailing List for IR Copies

Application #G-17282

IR Date: December 18, 2009

Original mailed to applicant:

RICHARD LOUIE MCNULTY WATER PEOPLE'S UTILITY DISTRICT, PO BOX 260, SAINT HELENS, OR 97051

Copies sent to:

1. WRD - File # G-17282
2. WRD - Water Availability: Ken Stahr
3. Regional Well Inspector: NW

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
On: <u>12/17/09</u>
(DATE)

IR, Map, and Fact Sheet Copies sent to:

4. WRD - Watermaster # 18

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

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

4. John Borden

Caseworker: Brook Geffen

COPYSH.T.IR

REMINDER: Copy **all** IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

Brook Geffen

From: Bill Fujii
Sent: Thursday, December 03, 2009 10:11 AM
To: Brook Geffen
Subject: RE: McNulty Water PUD, G-17282

We already require a WMCP of the folks at McNulty. Please do not add additional date via a Div 86 condition in any permit resulting from this application. 165 GPCD is acceptable, however you should verify this estimate. I also suggest you check the water use reporting system to see if they are in compliance with Div 85.

3

Bill Fujii

From: Brook Geffen
Sent: Thursday, December 03, 2009 9:53 AM
To: Bill Fujii
Subject: McNulty Water PUD, G-17282

Bill:
 Here is a link to the application. See top of the second page of Form M – looks like permitted wells have not produced water, so they are applying for a new well.

http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=167618

Please provide Div86 feedback.

Thanks, Bill!
 Brook

$$1cA = 448.8 \text{ GPD} = 26928 \text{ X } 24 = 646272$$

Brook Geffen

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http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_folder_image.aspx?snp_id=167618

Please provide Div86 feedback.

Thanks, Bill!
 Brook

→ per chat w/ Fujii @ 4:15 12/3/09 - (11) is ok + approved!

- no wmcp
 - 1.0 cfs allowable
 - Div 85 reasonable addresser
 under Large Ti
 mrtr

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G-17282

ROUTED TO: Water Rights, Brook G.

TOWNSHIP/

RANGE-SECTION: 5N/1W-31

CONDITIONS ATTACHED?: ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donn Miller

MEMO

NOV 24, 2009

FROM: GW: D. M. [Signature]
(Reviewer's Name)

YES

8 NO

YES

γ NO

[illegible]

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date 11/24/2009

FROM: Ground Water/Hydrology Section Donn Miller
Reviewer's Name

SUBJECT: Application G- 17282 Supersedes review of none
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: McNulty Water PUD County: Columbia

A1. Applicant(s) seek(s) 1.0 cfs from one well(s) in the Willamette Basin,
Columbia subbasin Quad Map: St Helens

A2. Proposed use: Quasi-municipal Seasonality: year round

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

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	To be built	McGilvra #2	CRB	1.0	5N/1W-S30 SWSE	591'N, 1950'W fr SE cor S 31
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	~250	155	75	4/26/72	200(+)	0-31	0-31	-----	-----	30	----	A

Use data from application for proposed wells.

A4. **Comments:** The application cites an existing well (COLU 1225) at the location but notes that it will be replaced. Further, the application says that the new well may be deeper depending on what the driller recommends. At this point, the description of the existing well is a starting point. That information is presented in the entries above.

A5. ☐ **Provisions of the Willamette** Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application. (Not all basin rules contain such provisions.)

Comments: The aquifer is not unconfined alluvium as referenced in OAR 690-502-0240.

A6. ☐ **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: _____
Comments: NA

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

- a. ☐ is over appropriated, ☐ is not over appropriated, or ☒ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the ground water resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
- i. ☒ The permit should contain condition #(s) 7I (no predetermined reference level);
- ii. ☐ The permit should be conditioned as indicated in item 2 below.
- iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

- B2.
- a. ☐ **Condition** to allow ground water production from no deeper than _____ ft. below land surface;
 - b. ☒ **Condition** to allow ground water production from no shallower than 125 ft. below land surface;
 - c. ☐ **Condition** to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

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

- B3. Ground water availability remarks: There is only one nearby CRB well with a good sequence of water level data. McNulty Water PUD's Robinette Well (COLU 51275) in T5N/R2W-S 25 SESE has experienced water level declines with fairly modest pump testing use. That well has dropped about 100 feet since 1998 and is currently the subject of a proposed aquifer storage and recovery (ASR) project. Other CRB wells in the area are only domestic wells without much data and there are no indications of declines. The Robinette Well is a little over a mile away from the proposed well. I am inclined to conclude that the CRB at the proposed well is not declining but may be susceptible to declines with the proposed use. The Willamette Basin rules require a decline condition in any new permits for CRB aquifer wells. That is noted above in condition 7I.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Columbia River Basalt	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: proxy well log information on COLU 1225 and CRB aquifers generally**C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.**

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Milton Creek	175	170	265	☐	☒	☐	☐	☒
1	2	Unnamed trib Milton Creek	175	185	200	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: The close head relationships speak generally to hydraulic connection. The application is not specific on well construction for the proposed well but does reference replacing COLU 1225, possibly to a greater depth. I am aware that there is a need to avoid hydraulic connection since there is the potential for substantial interference which would block permit issuance. Therefore, I am directing well construction to a deeper casing and sealing to achieve a no hydraulic connection conclusion.

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

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: NA

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

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
NA		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

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

Basis for impact evaluation: The lack of hydraulic connection is the basis for impact evaluation. The department commonly assumes that, for permitting purposes, CRB aquifers are not hydraulically connected to surface water.

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

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

C6. SW / GW Remarks and Conditions CRB aquifers are generally confined and separated hydraulically from near streams. The log for COLU 1225 supports the confinement issue but there could be some under-reporting of shallower water occurrence. The head relationships between the well and the nearby creeks are very similar. This is often a tip-off of connection. The construction of the well is important. Since the application does not really propose a well construction, I have prescribed one that will aid the application to get to permit by avoiding hydraulic connection and the potential for substantial for with the creeks.

References Used: USGS WRIS 90-4196, USGS Professional Paper 1424-A, USGS Water Supply Paper 2470-A, well logs in the area

D. WELL CONSTRUCTION, OAR 690-200

- D1. Well #: NA Logid: _____
- D2. **THE WELL does not meet current well construction standards based upon:**
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
- D3. **THE WELL construction deficiency:**
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one ground water reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more ground water reservoirs;
 - e. ☐ other: (specify) _____
- D4. **THE WELL construction deficiency is described as follows:** _____

- D5. **THE WELL**
- a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.
 - b. ☐ I don't know if it met standards at the time of construction.
- D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

- D7. ☐ Well construction deficiency has been corrected by the following actions: _____

- _____, 200_____
(Enforcement Section Signature)

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

Rationale for Estimating the Affected Area

The actual nature and extent that the receiving aquifer may be affected as a result of ASR activities is currently unknown. Past pumping test data (Supplemental Report C, pages 11 & 12) suggest aquifer storage values ranging from 2630 to 5094 cubic feet of water per foot. Using 5094 cubic ft/ft and assuming a circular extent of the aquifer around the well and assuming a very minimal 1% effective porosity, then the affected radius would be about 400 feet from the well. The estimate of an eighth of a mile in radius is; therefore, a very conservative guess. This will be investigated further during the Limited License testing phase.

COLL 51275

5N/2W - 25 SESE

Antecedent Groundwater Conditions at the Robinette and Gil Allen Wells

The Gil Allen well was drilled and completed in August 1998 as a domestic well with a static water level of 240 feet below ground level. The well was subsequently purchased by McNulty PUD as a addition to the system; however, the well has a smaller inside diameter restricting the pump size that could be installed and also was hampered by slow recharge. The Robinette was drilled 12 feet away as a replacement with faster recovery times hoped for. At this time, the Gil Allen well is considered a standby well and is not planned to be used either as an injection well for this ASR project or for system water supply.

A textual description of the antecedent groundwater conditions for the Robinette well from drilling to August 2007 is included on pages 11 and 12 of Supplemental Report C. A transducer and associated remote telemetry for McNulty's Supervisory Control and Data Acquisition (SCADA) system was installed in the Robinette well on October 2, 2008. The following graphic information from the SCADA is presented as an addition to the textual descriptions previously reported.

Graph 1 displays water levels in the Robinette well in terms of height above the transducer. After installation of the transducer, static water levels rose to approximately 68 feet above the transducer. Pumping commenced through mid October 2008, drawing down the water level to approximately 28 feet above the transducer. The well was allowed to recharge from late October 2008 until mid-July 2009, when another pumping period was commenced. The curve shown on Graph 1 has been slightly modified from the original data by averaging out some noise and eliminating obvious data anomalies. Periods of pumping and recharge are labeled. Starting in May 2009, transducer readings have been (plague masked) with some erratic, high amplitude noise, the elimination of which is the focus of ongoing remedial efforts.

Graph 2 displays water levels in the Robinette well in terms of mean sea level. The blue horizontal line highlights the mean sea level elevation of 215 feet, equivalent to a below ground level of 252 feet, the highest static water level measured for the Robinette well.

Graph 3 is an excerpt of the Robinette water levels for the recharge period only. Noise and missing data are eliminated and anomalies removed. During the approximately 190 days of recharge, the static water level rose from approximately 40 feet above the transducer to a little over 100 feet. Analysis of the rate of recharge yields an average recharge rate of 0.43 feet per day, consistent with recovery rates previously noted in Supplemental Report C.

SENDER: COMPLETE THIS SECTION

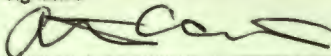
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

McNulty Water People's Utility District
c/o Jeff Anderson
PO Box 260
St. Helens, OR 97051

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Arthur Castor

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No**RECEIVED****AUG 26 2015****ST. HELENS, OR 97051****AUG 24 2015**

9590 9403 0447 5169 4816 57

2. Article Number (Transfer from service label)

7015 0640 0006 1641 0821

3. Service Type

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

UNITED STATES POSTAL SERVICE

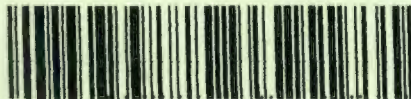


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301

USPS TRACKING#



9590 9403 0447 5189 4816 57

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

RECEIVED
MAY 2 - 1972

WATER WELL REPORT

STATE OF OREGON

STATE ENGINEER, SALEM, OREGON

within 30 days from the date of well completion.

STATE ENGINEER
SALEM, OREGON

(Please type or print)

(Do not write above this line)

State Well No.

5N/W 31

State Permit No.

(1) OWNER:

Name Francis E. McGilvra
Address Rte 2 Box 679 St. Helens, Oregon 97051

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
6" Diam. from 0 ft. to 31 ft. Gage 4 wall
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

Yield: gal./min. with ft. drawdown after hrs.

" " " " " "

air test 30 gal./min. with 105 ft. drawdown after 1 hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement

Well sealed from land surface to 31 ft.

Diameter of well bore to bottom of seal 9 in.

Diameter of well bore below seal 6 in.

Number of sacks of cement used in well seal 2 sacks

Number of sacks of bentonite used in well seal sacks

Brand name of bentonite

Number of pounds of bentonite per 100 gallons of water lbs./100 gals.

Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Columbia Driller's well number
1/4 1/4 Section 31 T. 5-N R. 1 W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 155 ft.

Static level 75 ft. below land surface. Date 4-26-72

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6

Depth drilled 200 ft. Depth of completed well 200 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	3	
Brown Clay	3	10	
Yellow clay	10	20	
Blue Clay	20	25	
Blue Hard rock	25	70	
Brown med. rock	70	120	
Blue med. rock	120	155	
Brown broken rock	155	180	
Blue med. rock	180	190	
Black lava rock	190	200	

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SALEM, OREGON

Work started 4-26-72 19 Completed 4-26-72 19

Date well drilling machine moved off of well 4-26-72 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Ralph Turner Date 5-1-72, 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 254

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Ralph Turner Drilling Co.
(Person, firm or corporation) (Type or print)

Address Rte 1 Box 141 Hillsboro, Oregon

[Signed] Ralph Turner
(Water Well Contractor)

Contractor's License No. 247 Date 5-1-72, 19



Oregon Water Resources Department

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WATER RESOURCES DEPT
SALEM, OREGON

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: The McNulty Water PUD

Name and size of area to be served: McNulty Water PUD - About 19 sq mi
(in square miles)

Present population of service area: 917 connections = 3780 persons (see p. 35 from Master Water Plan)
(Contact county planning staff, if needed.)

Projected population in 20 years: 1500 connections = 6000 persons (see p. 35, above)
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:
C-58655 3/30/1982 Permit G-12834 10/25/1976	Well - Warren Bench	449 GPM	13.5 GPM
C-61176 3/16/1982	Well - McNulty CK Basin	291 GPM	291 GPM
C-65072 2/11/78	Well - Columbia River Basin	449 GPM	99 GPM
Permit G-15227 10/1/2002	Well - Columbia River Basin	269 GPM	250 GPM
	Well - Dart CK Basin	400 GPM	350 GPM

Water Use

Average **yearly** demand: 430.85 AFY Year: 2008

Per-capita daily consumption (in gallons): 383,586 Gallons
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): July to August Total peak season demand: 114 Acre-feet

Peak season per-capita daily consumption: 165 gpcd
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 20,122,756 cu. ft.
(diverted or pumped)

Delivered: 19,926,354 cu. ft.

Is your system fully metered? ☒ Yes ☐ No

Describe your rate structure: A water conserving rate structure was adopted 3/19/2009.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems) (see attached)

Request for Water

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other):

To establish a dependable water source in the Robinette and Smith pressure zones. Current wells in these zones have failed to provide that security. Hopefully, the new well will also accommodate growth in said pressure zones.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040)

Until 2027

C. Briefly discuss operation of water system and the most constraining component of the system:

The Master Water Plan and the Water Management and Conservation Plan (WMCP) both evaluated the most constraining components of the system. "Top" is securing a primary water supply in the Robinette and Smith pressure zones (this application). The Robinette well (G-15227) was to do this, but has not so is now before WRD as an ASR Limited License application. High priority projects to help with this constraint: Construction of more storage in these zones to stabilize pressure, provide fire flow, and accommodate growth; and, completion of the highest priority measures recommended in the WMCP.

D. Percentage of water use by type:

Residential: 889 connections $\approx 91\%$ Commercial: 28 connections $\approx 3\%$ Public Authority: $\emptyset$ Agricultural: $\emptyset$

Unaccounted for use: About 6%

Industrial: $\emptyset$ Other (specify use): $\emptyset$

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SALEM, OREGON

E. List cost to implement proposed request.

Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)

The estimated cost to construct a well meeting WRD and DWP standards is \$200,000. Given that nearly all water delivered to the Robinette and Smith pressure zones is pumped from the Warren Bench Wells (Blaha pressure zone), we do not see how water efficiency measures can substitute even if the previously stated ASR project is approved.

F. How and by how much will your proposed water use efficiency programs increase efficiency?

(Express as a percentage of per-capita consumption.)

The PUD continues implementation of water use efficiency measures pursuant to those identified in the WMCP. The most recent is the completion of a telemetry system that provides the PUD instantaneous values for water levels in wells and reservoirs and pumping rates and total amounts pumped among other things. This system functionality is key to the PUD's ability to evaluate effectiveness. Such evaluations have yet to be performed.

VI. POPULATION**A. Water Services**

The population projections used in this report were obtained from the Center for Population Research and Census at Portland State University, Columbia County Land Development, and the records of McNulty Water PUD.

The County is required to establish and maintain a population forecast for the entire area for use by the State of Oregon.

Table VI-1**McNulty Water Services**

<u>Year</u>	<u>Connections</u>	<u>Population Served</u>
1964	60	250
1968	183	750
1970	270	1,100
1973	335	1,350
1980	400	1,600
1992	650	2,600
1994	700	2,800
1997	770	3,100
2000	807	3,230
2002	852	3,410
2005	879	3,520
2007	905	3,620
2012	1,050	4,020
2017	1,200	4,800
2027	1,500	6,000

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Columbia County from 2000 to 2007 had an increase of population of 4,005 (9.2%) with major increases in the cities of Scappoose and St. Helens. This area is still appealing to persons employed in Northwest Portland and Washington County because of ease of access to work, minimum traffic, good highway, school districts, and less population.

B. Water Demands

The total water requirements are estimated to increase from 93.9 million gallons per year (average 2000 to 2007) to 159.8 million gallons in 2027. See Table V-1 for the forecasted water demands for the PUD.

McNULTY WATER PEOPLE'S UTILITY DISTRICT

34240 Millard Road
Warren Oregon 97053

Ordinance No. 08/09 -2

Water Schedule, Rules and Rates Revised

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SALEM, OREGON

Readings

1. Meters are read last weekend of third month of each quarter.

Billing

1. Bills are mailed out during the beginning of the following month after readings.
2. All bills are due and payable on or before the 25th of the billing month.
3. Final notices are sent out following the 25th due date.

Property Owners Responsibility

1. The area around the meter is to be kept clear and accessible.
2. All water charges, interest, rebilling charge, and fee's relating or associating with restoring water service in the event of shut-off.
3. The minimum monthly rate for water service shall apply, and shall be paid, for all periods during which the customer is entitled to use the water service, unless and until the customer applies for removal of the water service and terminates the customer's account.

Rates

1. Base charge of \$25.00 per month for 600 or less cubic feet of water usage, billing every three months.
2. Additional water usage within the three month billing period to be charged as follows:
 1. 1,801 to 3,000 cubic feet of water: \$2.36 per 100 cubic feet.
 2. 3,001 to 5,000 cubic feet of water: \$2.47 per 100 cubic feet
 3. 5,001 or more cubic feet of water \$2.68 per 100 cubic feet
3. Unpaid balance is charged at 1.5% interest after 25th of each month.
4. Rebilling charge of \$5.00 is added to any account with a balance above \$20.00 after the 25th of the billing month.

Landlord/Tenant Relationship

1. Tenant can be billed.
2. Joint application must be on file with McNulty Water PUD by Tenant and Landlord.

Prorating

1. Portions of billing period will be prorated based on the time of notification of change of ownership or tenants leaving.
2. Notice must be given 48 hours before change.
3. Forwarding address must be given for final billing.
4. New owners or tenants name if known.

McNulty Water People's Utility District

Ordinance No. 08/09 -2 Revised

Page 2

Adjustment for water leak

1. Water must be fixed promptly after detection in order to receive adjustment.
2. Meter will be read promptly after leak is repaired.
3. Adjustment may be given at the discretion of McNulty Water PUD.
4. Customer's average charge shall be deducted from total charges before adjustment.
5. McNulty Water PUD may reduce balance up to 2/3.

Physically delivered Shut-Off Notice/Shut-Off

1. A charge of \$25.00 will be added to the account balance for a delivered shut off notice
2. An additional charge of \$25.00 will be added to the account balance for shut off.
3. Balance must be paid in full before service will be restored.

New Service

1. One time payment
2. \$ 5,000.00 for a 3/4" meter service line
3. \$ 6,000.00 for a 1" meter service line
4. \$20,000.00 for a 1 1/2" meter service line
5. \$25,000.00 for a 2" meter service line
6. \$45,000.00 for a 3" meter service line
7. \$60,000.00 for a 4" meter service line
8. Payment must be made before installation.
9. Minimum charge starts at time of installation.
10. All meters are property of McNulty Water PUD.

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 SALEM, OREGON

Other System Fee's

1. Water line plan inspection fee, \$515.00
 2. Fire hydrant permit fee, \$35.00
 3. Bankruptcy against McNulty Water PUD, customer will be required to pay deposit of \$300.00
 4. Public Request for Information Fee: \$26.00 per hour, (15 minute increments) \$.25 per page.
- (Ordinance No. 07/08-2).

Meter Damage

1. Meter lock removed by anyone other than McNulty Water PUD, \$75.00
2. Bridging meter, \$500.00 and meter removed.
3. Charges will be filed against anyone damaging meters or for misuse.

First reading at the Board meeting of February 3rd 2009. Second reading and passage at the Board meeting of March 10th 2009.

Signed:

[Signature]
 Chairman

Attest:

[Signature]
 Recording Secretary

3-10-09
 Dated



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: McNulty Water People's Utility District (PUD)
 Mailing Address: 34240 Millard Road c/o PO Box 260
 City: St. Helens State: OR Zip: 97051 Day Phone: 503-397-1301

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>SN</u>	<u>1W</u>	<u>31</u>	<u>SWSE</u>	<u>404</u>	<u>FA-19</u>	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Columbia County

B. Description of Proposed Use

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

Estimated quantity of water needed: 1 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: McGilvra Well #2 will provide quasi-municipal water for the PUD to serve customers in the Smith & Robinette pressure zones. The well will also serve as an emergency supply if booster pumps providing water to these zones from the Warren Bench break down or loose power.

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

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Allowed Outright 660-006-0025

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:			
N/A	Part XIV Comprehensive Plan (Public Facilities and Services) and OAR 660-006-0025(4)(1) Permitted Uses	☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued	☐ Denied	☐ Not being pursued

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

Replacement of existing well. (LUC 10-14) - local file #

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SALEM OREGON

**COLUMBIA CO
LAND DEVELOPMENT
SERVICE
OREG**

Name: Erika Owen Title: Planner II

Signature: Erika Owen Phone: 503-397-7216 Date: 10/29/09

Government Entity: _____

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

WELL OWNERSHIP AND EASEMENT

McNULTY WATER P.U.D.
P.O. BOX 260
ST. HELENS, OR 97051
(503) 397-1301

Richard J. Bailey and Ellen M. Bailey (Grantor) for and in consideration of mutual benefit of Fifty Thousand Dollars (\$50,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to the McNulty Water People's Utility District (Grantee), whose address is 34240 Millard Road, Warren, Oregon 97053 (P.O. Box 260, St. Helens, Oregon 97051) its successors, assigns, lessees, licensees, and agents, the ownership of the existing well and a perpetual restrictive easement within 100 feet of the well and the right to drill a new well, if it is necessary, and an easement to construct, reconstruct, operate, maintain and remove such water facilities as Grantee may require upon, over, under and across the following described land which the grantor owns or in which the grantor has any interest, to wit:

Note: See attached document (Exhibit AA).

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Situated in the County of Columbia, State of Oregon.

The Grantee will provide to the Grantor the following:

1. Two (2) water services to the existing users on the well until their individual property changes ownership. The users will have unlimited water usage at no costs unless there is a leak above the maximum usage amount of 12,000 cubic feet per quarter (three months) with not to exceed of 48,000 cubic feet per year.. The leak will be repaired within two weeks of the leak being detected. If the repair does not occur in a timely fashion, the user will pay for the excess water usage over the 12,000 cu.ft./quarter at \$2.36/100 cu.ft.
2. One (1) water service at any location in the Grantee's water service area.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the described property in Exhibit AA. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted. Within 100 feet of the well, the Grantor will follow the rules of OAR 333-061-0050 Construction Standards for Wells (2) (a) and especially cannot place anything that is a potential public health hazard (to name a few: sewage; solid waste disposal site; buried fuel storage tank; animal yard, feedlot or animal waste storage; chemical (including solvents, pesticides and fertilizers) storage, usage and application; vehicle long term storage; scrap yard; cemetery). The ground surface around the well site shall be graded so that drainage is away from the well. A fence (200 feet by 200 feet) can be provided by the Grantee for well protection and security.

Also, said easement includes a strip of land twenty (20) feet in width on the described property (Exhibit AA) to be used for the installation of a water line to connect to the water line on Hankey Road.. The centerline of said easement will be the water line as placed.

Grantee shall provide reasonable notice to Grantors prior to installation, repair or maintenance activities on the well and water line easement. Upon completion of such

Return To

Costs for repair to the well, well house and water line caused by natural disasters or other events for which both Grantor and Grantee are blameless shall be borne by Grantee.

The rights, conditions and provisions of these easements shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof the undersigned has executed this instrument this 7 day of May, 2009.

By: Richard J. Bailey Ellen M. Bailey

State of Oregon }
 } ss
 County of Columbia }

On this day personally appeared before me
Richard J. Bailey
Ellen M. Bailey
 known to me to be the individual S
 who executed the foregoing instrument, and
 acknowledged that Richard and Ellen Bailey
 signed the same as Grantors
 free and voluntary act and deed, for the uses
 an and purposes herein mentioned.

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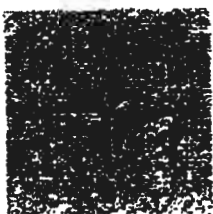
WATER RESOURCES DEPT
 SALEM, OREGON

Given under my hand and official seal this 7
 Day of May, 2009.

[Signature] Notary Public
 in and for the State of Oregon
 residing at SHCFU.



My commission expires: SEPT 10 2012



**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road

Warren, OR 97053

(503) 397-5516

Fax (503) 397-5518

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WATER RESOURCES DEPT
SALEM, OREGON

July 3, 2007

McGilvra Trust
Legal Description
Southerly Adjusted Tract

A tract of land in the East half of Section 31, Township 6 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.88 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

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WATER RESOURCES DEPT
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A tract of land in the East half of Section 31, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner Parcel 1 of the Thomas P. McGilvra Tract as described in Book 233, Pg. 105, Deed Records of Columbia County, Oregon said point being called South 1320 feet and West 20 feet and Westerly 480.0 feet and Northerly 85.0 feet from the Northeast corner of Government Lot 3 in said Section 31, said point also being the Northwest corner of the Richard J. Bailey and Ellen M. Bailey tract as described in Book 227, Pg. 483, Deed Records of Columbia County, Oregon; thence South 89°00'32" West a distance of 629.86 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" on the Easterly right of way line of Hankey County Road No. P-128; thence Southerly and Easterly, along said right of way line to the West line of the second parcel of the Raymond N. Jauron tract as described in Book 59, Pg. 171, Deed Records of Columbia County, Oregon; thence Northerly, along said West line, to the Southeast corner of the David R. Senter and Carol A. Senter tracts as described in Parcels 1, 2 and 3 of Instrument No. 98-03360, Clerk's Records of Columbia County, Oregon; thence Westerly, along the South line of said Senter tracts to the Southwest corner thereof; thence Northerly, along the West lines of said Senter tracts to the point of beginning.

The above described tract of land is part of a property line adjustment between tracts of land described in Instrument No.'s 92-4550 and 02-10441. No additional parcels are being created as a result of this property line adjustment.

TOPO! map printed on 10/20/09 from "OREGON.tpo" and "Untitled.tpg"

122°53.000' W

122°52.000' W

122°51.000' W

122°50.000' W

WGS84 122°49.000' W

45°54.000' N

45°54.000' N

45°53.000' N

45°53.000' N

45°52.000' N

45°52.000' N

45°51.000' N

45°51.000' N

122°53.000' W

122°52.000' W

122°51.000' W

122°50.000' W

WGS84 122°49.000' W



Map created with TOPO! © 2002 National Geographic (www.nationalgeographic.com/topo)



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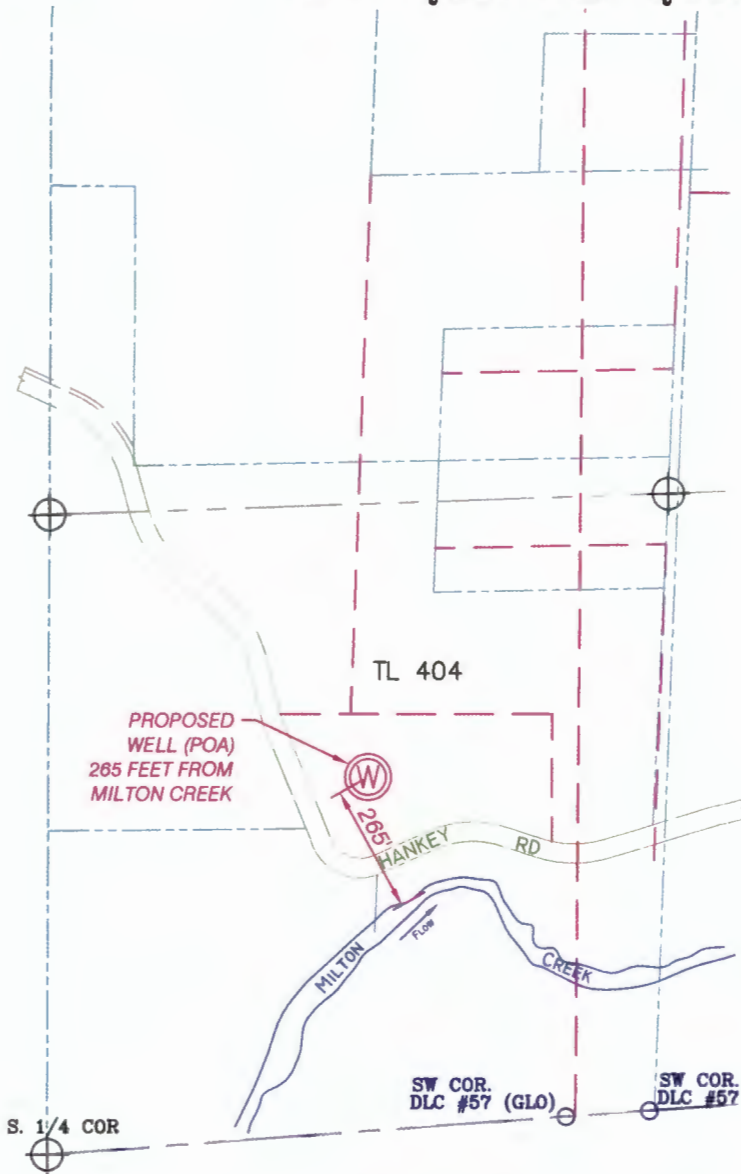
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SALEM, OREGON**

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WATER RESOURCES DEPT
SALEM, OREGON

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



SCALE: 1"=400'

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED POA ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

NOTES

POA IS 1950 FEET WEST AND 591 FEET NORTH OF THE SE COR, SEC 31

POINT OF BEGINNING OF SURVEY

31 32
6 5

WATER USE PERMIT
APPLICATION MAP

IN THE NAME OF
THE McNULTY WATER PUD
FOR
QUASI-MUNICIPAL USE
FROM A PROPOSED WELL (MCGILVRA #2) IN THE DART CREEK BASIN
SURVEYED JULY 30, 2009, BY JOHN E. BORDEN, CWRE

LEGEND

- PROPERTY LINE
- USGS GRID
- SURVEY LINE
- ⊙ SECTION CORNER
- DLC CORNER
- ⊙ WELL (P.O.A.)

JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilvra Well

FILE PATH & NAME: E:\McNulty\McGilvra\McGilvra_102509.dwg

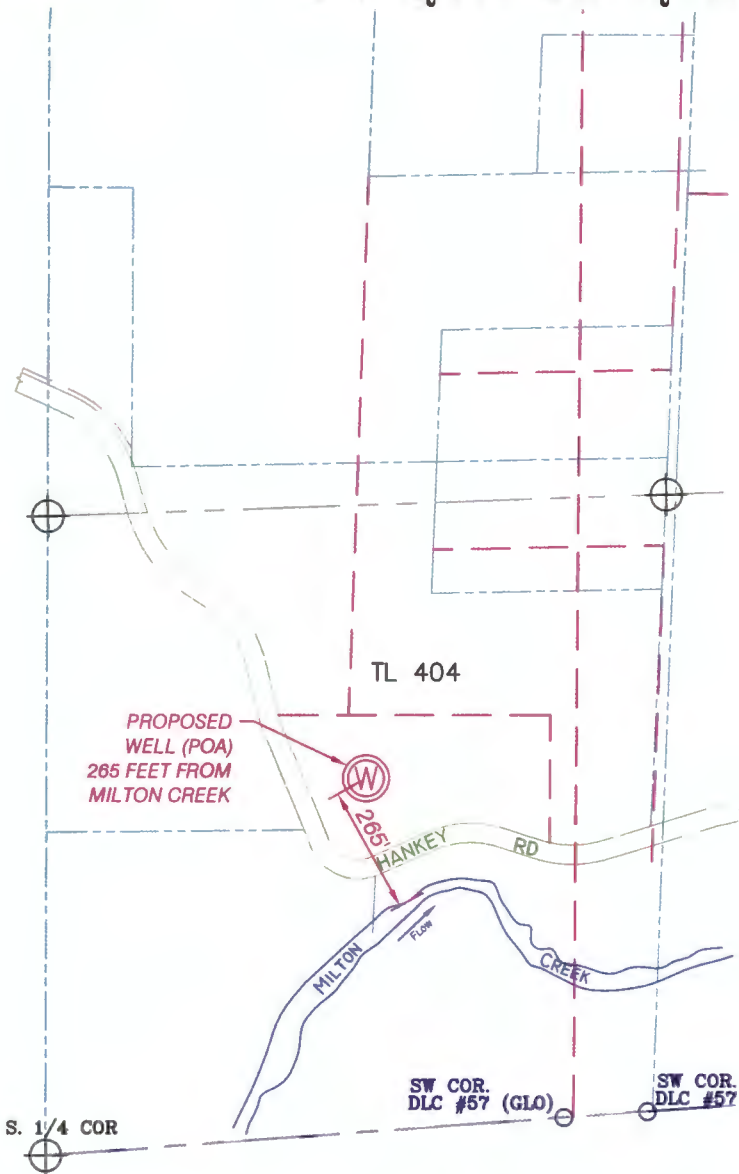
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WATER RESOURCES DEPT
SALEM, OREGON

G-17282

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



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JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilvra Well

FILE PATH & NAME: E:\McNulty\McGilvra\McGilvra_102509.dwg

TOPO! map printed on 10/20/09 from "OREGON.tpo" and "Untitled.tpg"



TOPOI map printed on 10/20/09 from "OREGON.tpo" and "Untitled.tpg"







Oregon Water Resources Department 725
Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

I. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last
Mailing Address: _____
City State Zip
Phone: _____
Home Work Other
*Fax: _____ *Email Address: _____

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B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: McNulty Water PUD
Name and Title of Person Applying: Richard Louie, President
Mailing Address or Organization: 34240 Millard Road % PO Box 260
St. Helens OR 97051
City State Zip
Phone: 503-397-1301 503-397-1301 (Message Machine)
Day Evening
*Fax: 503-366-5616 *Email Address: % pat 2006@gwestoffice.net

*Optional

For Department Use

App. No. G-17282

Permit No. _____ Date _____

Last Updated: 3/31/2009

WR

2. PROPERTY OWNERSHIP

☐ Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

☐ There are no encumbrances

☐ This land is encumbered by easements, rights of way, roads or other encumbrances
(please provide a copy of the recorded deed(s))

☒ No (Please check the appropriate box below)

☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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WATER RESOURCES DEPT
SALEM, OREGON

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

List the names and mailing addresses of all affected landowners.

More than 25 landowners are involved in this application. Therefore we presume that WRD will provide the notice required pursuant to ORS 537.130(3). Please advise the PUD of the publication cost so that we may pay in accord with ORS 537.130(4) promptly so as to keep the application review process moving along.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: 265 feet to DART Creek

Distance from well(s) to nearest stream or lake:

1) 265 feet SE to Dart Creek 2) 1/2 mile to Perry Creek 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

Well = 160' MSL
1) Dart Creek = 110' 50 ft below well 2) Perry Creek = 360' 200 ft above well 3) _____ 4) _____

B. Well Characteristics

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 constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Turner Well Drilling

~~Re~~ Rather than reconstruct well COLU 1225 (see log), the PUD well will replace it. We may drill deeper depending on what the driller recommends.

Mailing Address: 536 93 Columbia River Hwy

Scappoose
City

OR
State

97056
Zip

Completion Date: October 1, 2011

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Please see the attached well log COLU 1275.									
We may drill deeper depending on what the driller recommends.									

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

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SALEM, OREGON

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

We do not expect artesian flow at ground surface, but there may be artesian rise.

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- ☒ If your proposed use is **municipal or quasi-municipal**, attach **Form M** - Form M is attached.
- If your proposed use is **commercial/industrial**, attach **Form Q**

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
McGilvra #2	(See Well Log C06U)		1225		
		Q/M	449	236,000,000	449

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year Round (Feb - 11/1/2009)

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: N/A

(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

- ☒ Pump (give horsepower and pump type): Submersible - HP to be determined
- ☐ other means (describe): _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

- ☒ Pipe (give diameter and total length):

Diameter 8-inch Length 800 feet (This will allow a connection to the PUD's existing distribution system. Eventually, a 2-mile 8-inch PUC line will be constructed to deliver water to the Rosinette Reservoir.

☒ other, describe: _____

Ground Water 4

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SALEM, OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

An existing water distribution system and extensions thereto will deliver water to individual water users via meters at or near each P/M POU.

Irrigation or land application method (check all that apply): N/A

- | | | |
|--|--|---|
| ☐ Flood | ☐ High pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water Cannons | ☐ Center pivot system |
| ☐ Hand Lines | ☐ Wheel Lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ other, describe: _____ | | |

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WATER RESOURCES DEPT
SALEM, OREGON

Distribution method

- ☒ Direct pipe from source ☒ In-line storage (tank or pond) ☐ Open Canal

Robinetto Reservoir

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

The PUD has an approved "Water Management and Conservation Plan" prepared pursuant to Permit G-12834 for which a CUBU and map were recently submitted to WRD. The PUD's current & proposed conservation activities and measures are described in said Conservation Plan.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: October 1, 2011

Proposed date construction will be completed: February 1, 2012

Proposed date beneficial water use will begin: April 1, 2014

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

A Claim of Beneficial Use and Map of the PUD's water distribution system was recently filed for the Robinette well pursuant to Permit G-15227. The relationship of all PUD wells is described therein.
Also, the PUD currently has an Aquifer Storage & Recovery Limited License Application pending with the Department.

8. MAP REQUIREMENTS

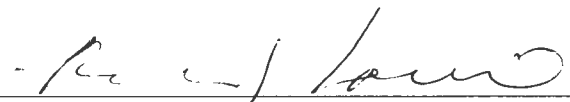
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- ☒ I am asking to use water specifically as described in this application.
- ☒ Evaluation of this application will be based on information provided in the application packet.
- ☒ I cannot legally use water until the Water Resources Department issues a permit to me.
- ☒ If I get a permit, I must not waste water.
- ☒ If development of the water use is not according to the terms of the permit, the permit can be canceled.
- ☒ The water use must be compatible with local comprehensive land use plans.
- ☒ Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:


Signature of Applicant (If more than one applicant, all must sign.)

10-24-09
Date

Before you submit your application be sure you have:

- ☒ Answered each question completely.
- ☒ Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- ☒ Included a Land Use Information Form or receipt stub signed by a local official.
- ☐ Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ☒ Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

GW Base = 1000⁰⁰
1st cfs = 250⁰⁰
Recording = 400⁰⁰
✓ \$1,650⁰⁰

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WATER RESOURCES DEPT
SALEM, OREGON

WRD on the web:

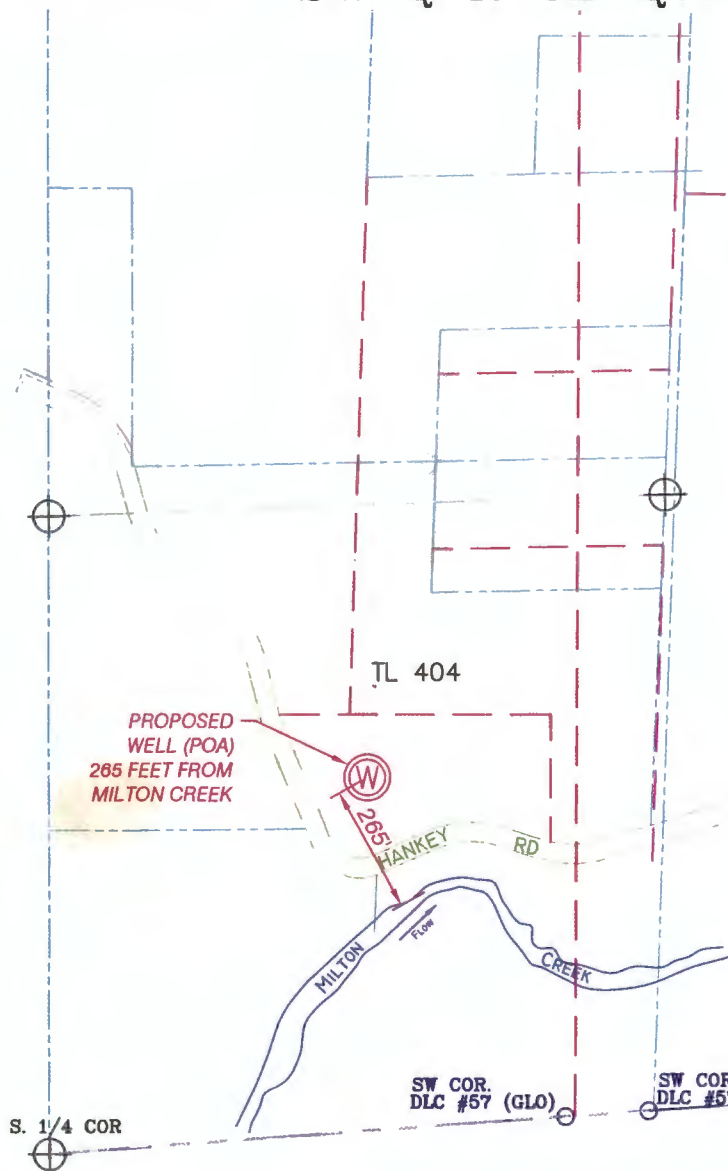
www.wrd.state.or.us

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G-17782

NOV 04 2009
WATER RESOURCES DEPT
SALEM, OREGON

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



SCALE: 1"=400'

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NOTES

POA IS 1950 FEET WEST AND 591 FEET NORTH OF THE SE COR, SEC 31

WATER USE PERMIT
APPLICATION MAP

IN THE NAME OF
THE McNULTY WATER PUD
FOR
QUASI-MUNICIPAL USE
FROM A PROPOSED WELL (McGILVRA #2) IN THE DART CREEK BASIN
SURVEYED JULY 30, 2009, BY JOHN E. BORDEN, CWRE

LEGEND

- PROPERTY LINE
- USGS GRID
- SURVEY LINE
- ⊕ SECTION CORNER
- DLC CORNER
- ⊙ WELL (P.O.A.)

JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilvra Well

FILE PATH & NAME: E:\McNulty\McGilvra\McGilvra_102509.dwg

Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

OVER/COUNTER

Application G 17282 County COZUM Priority Date Nov 4 2009

Township 5 N Range 1 W Section 31

Amount ONE CFS Use Quasi/Muni Watermaster Dist. # 1

Caseworker Assigned

☒ Brook Geffen ☐ Jeana Eastman ☐ Joel Plahn ☐ Kerry Kavanagh ☐ Michele McAleer

☒ Applicant/Organization Name, Mailing Address, and Telephone Number.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) **NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application (E2).**

☒ The proposed source is or is not (circle one) G-W withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

☒ Property ownership indicated.

STATES NO!

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

STATEMENT PRESENTED

☒ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage.

☒ Enclosed Supplemental Form for each proposed use.

☐ Form I (Irrigation)

☒ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

pg. 4 - NOT CLEAR

ATTENDED BY S. BORDEN
PM VISIT & INITIALED.

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

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

☐ For Standard reservoir applications proposing to store more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required. In addition, the map must be prepared by a CWRE.

☒ All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

☒ You must include a Legal description of all the properties involved where water is diverted, crossed, and used.
N/R The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

Land-Use Form

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials.
Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.

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

☐ Township, Range, Section

☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☐ Place of use; 1/4, 1/4's and tax lot clearly identified

☐ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☐ Location of each diversion point, well or dam by reference to a recognized public land survey corner

☐ Reference corner on map

☐ North Directional Symbol

☒ Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture

☐ Each point of diversion coordinate

☐ Other

CWRE JOHN

BORDEN

4 COPIES PROVIDED OF ALL COLOR MAPS

*#2 REVIEW W/ J. BORDEN
PM 11-4-09 - SERVICE DIST
MAP BOUNDARIES WILL BE
FURNISHED - NTM.*

☒ Fees: Amount of water requested ONE CFS

Base Fee \$ 1000

Additional Use @

1st CFS/AF 250

Total Exam Fees \$ 1250

Addn'l CFS/AF @

Total Paid \$ 1650

Addn'l POD @

Amount Due \$ ALL FEES PAID

Reviewed by: JPW

Date: NOV. 4, 2009

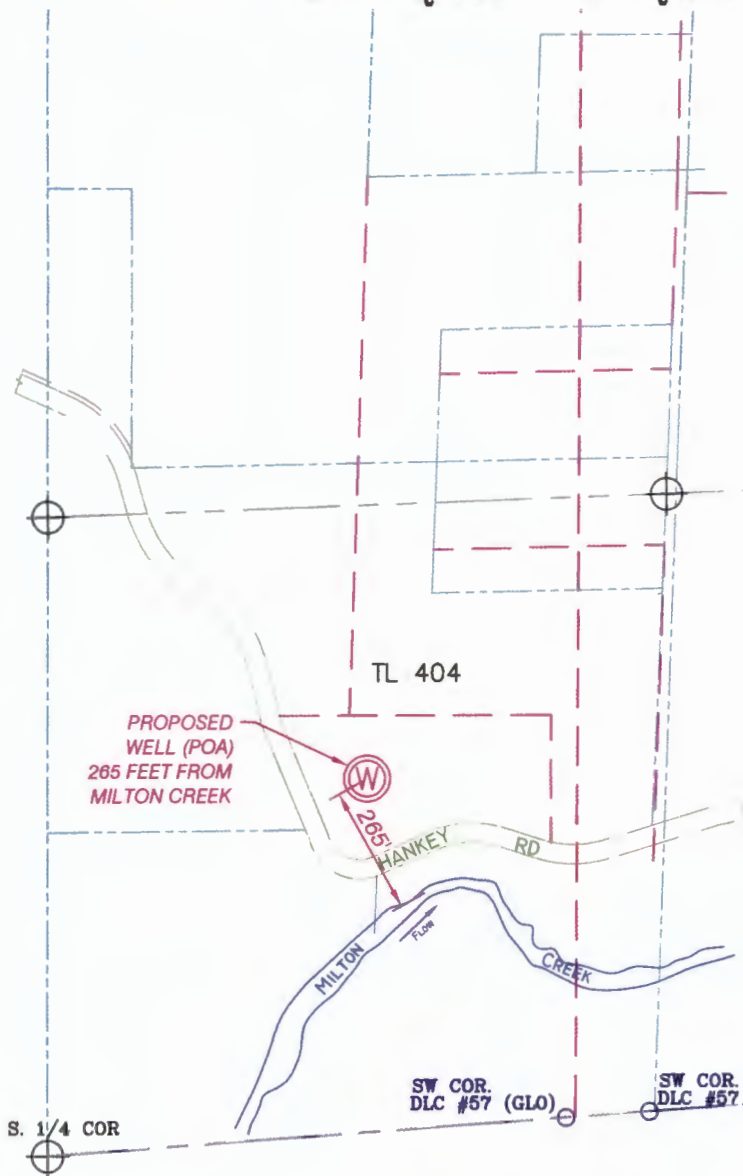
RECEIVED

G-17282

NOV 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

T5N R1W, W.M.
COLUMBIA COUNTY, OREGON
SW QTR SE QTR SECTION 31



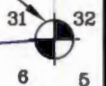
SCALE: 1"=400'

PREPARATION OF THIS MAP IS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED POA ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

NOTES

POA IS 1950 FEET WEST AND 591 FEET NORTH OF THE SE COR, SEC 31

POINT OF BEGINNING OF SURVEY



WATER USE PERMIT
APPLICATION MAP

IN THE NAME OF
THE McNULTY WATER PUD
FOR
QUASI-MUNICIPAL USE
FROM A PROPOSED WELL (McGILVRA #2) IN THE DART CREEK BASIN
SURVEYED JULY 30, 2009, BY JOHN E. BORDEN, CWRE

LEGEND

- PROPERTY LINE
- USGS GRID
- SURVEY LINE
- ⊕ SECTION CORNER
- DLC CORNER
- Ⓜ WELL (P.O.A.)

JOHN BORDEN CONSULTING

5597 RIVER STREET
WEST LINN, OR. 97068
503-723-4257

McGilvra Well

FILE PATH & NAME: E:\McNulty\McGilvra\McGilvra_102509.dwg

T4N R1W, T4N R2W, T5N R1W, T5N R2W, W.M.

COLUMBIA COUNTY, OREGON

Modified for McNulty Water PUD Application G-17282

SURVEY

AND CLAIM OF BENEFIC

Application No. G-15279, P
In The Name
the McNulty Wa
for
Quasi-Municip
from a well (Robinette) in t
Surveyed November
by John E. Borden

NOTE:
Well location (P.O.A.)
523 feet North and
54 feet West from the
SE Cor Sec 25, T5N,

LEGEND

- P.O.U. PERMITTED
- P.O.U.
- USGS GRID
- ROADWAY
- RAILWAY
- POWER LINE
- OPEN WATER
- WATER DISTRIBUTION
- CLAIMED AREA OUTSIDE
- SECTION CORNER
- 1/4 CORNER
- 1/4-1/4 CORNER
- WELL
- GATE VALVE
- PRESSURE REDUCTION
- FIRE HYDRANT
- RESERVOIR

PREPARATION OF THIS MAP
OF IDENTIFYING THE LOCATION
ONLY. THERE IS NO INTENT
OR LOCATION OF PROPER

JOHN BORDEN
CONSULTING

IN THE SECTION
T4NR1W, T4NR2W, T5N
COLUMBIA COUNTY

SURVEYED FOR: MCNULTY

SURVEYED BY: JOHN E. BORDEN

SCALE: 2" = 1 MILE

FILEPATH & NAME: E:/ROBINETTE



1W, T5N R2W, W.M.

7, OREGON

ation G-17282

SURVEY MAP

AND CLAIM OF BENEFICIAL USE UNDER

Application No. G-15279, Permit No. G-15227
In The Name Of
the McNulty Water PUD
for

Quasi-Municipal Use

from a well (Robinette) in the Dart Creek Basin
 Surveyed November 21, 2008
 by John E. Borden, CWRE

SCALE:

"=1 MILE

NOTE:

Well location (P.O.A.) is
523 feet North and
54 feet West from the
SE Cor Sec 25, T5N, R2W, W.M.

LEGEND

P.O.U. PERMITTED

P.O.U.

USGS GRID

ROADWAY

RAILWAY

POWER LINE

OPEN WATER

WATER DISTRIBUTION

CLAIMED AREA OUTSIDE OF PERMITTED AREA

SECTION CORNER

1/4 CORNER

1/4-1/4 CORNER

WELL

GATE VALVE

PRESSURE REDUCTION VALVE

FIRE HYDRANT

RESERVOIR

PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY. THERE IS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

JOHN BORDEN
CONSULTING

5597 RIVER STREET
503-723-4257
WEST LINN, OR. 97068

IN THE SECTIONS SHOWN OF
T4NR1W, T4NR2W, T5NR1W, T5N2W, W.M.
COLUMBIA COUNTY, OREGON.

SURVEYED FOR: MCNULTY WATER PUD

SURVEYED BY: JOHN E. BORDEN

11/21/08

SCALE: 2" = 1 MILE

DRAWN: CRW

08/01/09

FILEPATH & NAME: E:/ROBINETTE WELL/RobinetteWell_081309.dwg