



Water Solutions, Inc.

January 9, 2009

Oregon Water Resources Department
ATTN: Kerry Kavanagh
725 Summer Street NE, Ste A
Salem, OR 97301-1266

RE: Clarification of Permit Application S-86866

Dear Kerry:

Please find materials enclosed to clarify previously submitted information for permit application S-86866. The original permit proposed to divert supplemental water from the Columbia River to make up a deficiency in rate on primary and supplemental acreage covered under Permit S-51017. The intent of the applicant was to apply for a permit for primary irrigation to make up a deficiency in rate on only primary acreage in Permit S-51017. Additionally, the applicant is including in this clarified application, a new point of diversion recently requested to be added to S-51017 (permit amendment for S-51017 to add new point of diversion was mailed January 9, 2009 to Kelly Starns). To be clear, the materials enclosed do not represent a new application, but are meant to clarify the original application S-86866.

An entirely new application map is also included in these materials (will likely arrive separately in a map tube), as well as land use information and property descriptions for the lands where water is proposed to be diverted, conveyed, and used. The new application map has been printed at 48"x 36" so that a map scale of 1" to 1,320' could be maintained. An additional map is included at 11"x 17" showing the entire system including the PODs, conveyance system locations, and place of use. Submittal of the oversized map and the smaller map showing the entire system were verbally approved by Herb Mosgar.

Also included is a check for \$400 for fees associated with the addition of the third POD (Port of Umatilla/City of Hermiston pump station) which was not part of the original application. It is assumed that all other fees were paid at the time of the original application.

Please feel free to contact me if you have any questions at 503-239-8799 ext. 104

Sincerely,

A handwritten signature in black ink, appearing to read "Jason M. Melady", is written over the typed name and title.

Jason M. Melady, RG, CWRE
Project Hydrogeologist
GSI Water Solutions

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2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Columbia River Tributary to: Pacific Ocean
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). _____

B. Applications to Use Stored Water N/A

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

- Yes (*Skip to section 3 "Water Use"*)
- 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 an 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).

Authorization provided in Permit S-51017

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.

Columbia Improvement District	Con-Agra Foods Lamb Weston	Port of Umatilla	City of Hermiston
P.O. Box 47	78153 Westland Road	500 Willamette St	180 NE 2 nd St.
Boardman, OR 97818	Hermiston, OR 97838	Umatilla, OR 97882	Hermiston, OR 97830

3. 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**, attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325, 851 gallons or 43,560 cubic feet)

Source	Type of Use	Amount	
Columbia River	Irrigation To make up a deficiency in rate in Permit S-51017	22.3	<input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of use

Indicate the time of year you propose to use the water: all year around
(For seasonal uses like irrigation, give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 7597.9 Acres
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

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

Pump (give horsepower and pump type): POD 1 – 3,000 hp pump station. POD 2 – 6,000 hp pump station. POD 3 – 1,200 hp pump station

Head-gate (give dimensions): _____

Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

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Periodic Sampling

Other means(describe) _____

C. Transport

How will you transport water to your place of use? Conveyance from **POD 1 contains approximate 8 miles pipe line and 4 miles concrete lined canal. Conveyance from POD 2 contains approximately 5 miles of pipeline. Conveyance from POD 3 contains approximately 12 miles of pipeline.**

Ditch or canal (give average width and depth) – FROM POD 1

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length) **Please refer to the existing delivery system on the Application map and the description above.**

Diameter _____ Length _____

Other (describe) _____

D. Application/Distribution Method

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

Irrigation or land application methods (check all that apply):

- Flood High-pressure sprinkler Low pressure sprinkler
- Drip Water cannons Center pivot system
- Hand lines Wheel lines
- Siphon tubes or grated pipe with furrows
- Other, describe _____

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 distribution system already existed under permit S-51017 for POD 1 (T. 4 N., R. 25 E., Sec 2) and POD 2 (T. 5 N., 27 E., Sec 13). POD 3 (T.5 N., R. 28 E., Sec 10) distribution system already existed under S-49497 and an application has been submitted (January, 2009) to add this POD to S-51017.

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5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: All diversions from the Columbia River are already equipped with fish screens.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: N/A

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: N/A

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: because the delivery and application system is already installed there should be no erosion.

Other: _____

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: Construction completed for S-51017

Proposed date construction will be completed: Construction completed for S-51017

Proposed date beneficial water use will begin: Oct 2010

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7. REMARKS

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

8. MAP REQUIREMENTS

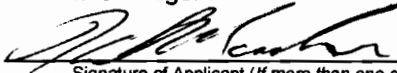
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed points of diversion and 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 cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

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.)

11/11/08

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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FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 7597.9 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-------------------------|---|--|
| 1. <u>Wheat</u> _____ | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. <u>Alfalfa</u> _____ | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. <u>Peas</u> _____ | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. <u>Canola</u> _____ | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

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

Duty will not exceed 4.5 ac/ft per acre as required in S-51017 **acre-feet**

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|---|---|
| <input type="checkbox"/> Daily during daytime hours | <input type="checkbox"/> Daily during nighttime hours |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input checked="" type="checkbox"/> Other, explain: <u>Application of water will be variable based on crop needs.</u> | |



Oregon Water Resources Department
Land Use Information Form

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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: Kent Madison
Mailing Address: Madison Farms, 29299 Madison Road
City: Echo State: OR Zip: 97826 Day Phone: 503-376-8107

This application is related to a Measure 37 claim. [] Yes [X] No

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.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Rows include tax lots 01001, 01500, 02500, and 02501.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Morrow and Umatilla Counties

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

Source of water: [] Reservoir/Pond [] Ground Water [X] Surface Water (name) Columbia River

Estimated quantity of water needed: 22.3 [X] cubic feet per second [] gallons per minute [] acre-feet

Intended use of water: [X] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other

Briefly describe: Applicant is applying for additional water for a deficiency in rate for existing permit S-51017. No change in Point of Diversion, conveyance system, or place of use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt 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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Land and Location Continued:

Madison Farms Land Use Information

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation	Water to be:	Proposed Land Use:
3N	28E	6		2600	EFU	Used	Irrigation
3N	28E	7		2700		Used	Irrigation
3N	28E	18		2307		Used	Irrigation
3N	28E	18		6100		Used	Irrigation
3N	28E	18		6101		Used	Irrigation
3N	28E	19		6200		Used	Irrigation
3N	28E	19		5903		Used	Irrigation
3N	28E	19		6600		Used	Irrigation
3N	28E	19		6500		Used	Irrigation
3N	28E	30		6501		Used	Irrigation
3N	28E	31		8600		Used	Irrigation
3N	28E	31		8800		Used	Irrigation
3N	28E	31		8904		Used	Irrigation
3N	28E	31		8900		Used	Irrigation
3N	28E	32		9000		Used	Irrigation
3N	28E	20		5900		Used	Irrigation
3N	28E	20		6700		Used	Irrigation
3N	28E	17		900		Used	Irrigation
3N	28E	17		1100		Used	Irrigation
3N	28E	17		5801		Used	Irrigation
3N	28E	17		1200		Used	Irrigation
2N	28E	6		1000		Used	Irrigation
2N	28E	5		900		Used	Irrigation
2N	28E	7		1300		Used	Irrigation
2N	28E	8		1600		Used	Irrigation
3N	27E	1		300		Used	Irrigation
3N	27E	1		600		Used	Irrigation
3N	27E	2		1900		Used	Irrigation
3N	27E	12		4700		Used	Irrigation
3N	27E	12		4702		Used	Irrigation
3N	27E	12		4800		Used	Irrigation
3N	27E	11		4800		Used	Irrigation
3N	27E	13		4701		Used	Irrigation
3N	27E	14		4701		Used	Irrigation
3N	27E	15		4900		Used	Irrigation
3N	27E	24		5500		Used	Irrigation
3N	27E	23		4701		Used	Irrigation
3N	27E	25		5500		Used	Irrigation
3N	27E	26		5500		Used	Irrigation
3N	27E	26		5401		Used	Irrigation
3N	27E	26		5400		Used	Irrigation
3N	27E	27		5600		Used	Irrigation
3N	27E	36		6200		Used	Irrigation
3N	27E	35		5400		Used	Irrigation
3N	27E	34		5700		Used	Irrigation
3N	27E	34		5800		Used	Irrigation
2N	27E	1		200		Used	Irrigation

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project is 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): 152.056

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
N/A	N/A	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

• Existing Infrastructure
 • Umatilla County supports projects that will result in net decreases to groundwater pumping w/o degradation to environmental and historic resources.

Name: J.R. Cook Title: Asst. Planning Dir.
 Signature: [Signature] Phone: 541.279.6251 Date: 12-2-08
 Government Entity: Umatilla County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



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Mailing Address: Madison Farms, 29299 Madison Road
City: Echo State: OR Zip: 97826 Day Phone: 503-376-8107

This application is related to a Measure 37 claim. Yes No

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.

Umatilla County

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Rows include tax lots 00105 (PI), 01305, 01024 (EFU), and 01700 (EFU).

List all counties and cities where water is proposed to be diverted, conveyed, or used. Morrow and Umatilla Counties

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

Source of water: Reservoir/Pond, Ground Water, Surface Water (name) Columbia River

Estimated quantity of water needed: 22.3 cubic feet per second

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

Briefly describe: Applicant is applying for additional water for a deficiency in rate for existing permit S-51017. No change in Point of Diversion, conveyance system, or place of use.

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List all counties and cities where water is proposed to be diverted, conveyed, or used. Morrow and Umatilla Counties

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

Source of water: Reservoir/Pond, Ground Water, Surface Water (name) Columbia River

Estimated quantity of water needed: 22.3 cubic feet per second, gallons per minute, acre-feet

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

Briefly describe: Applicant is applying for additional water for a deficiency in rate for existing permit S-51017. No change in Point of Diversion, conveyance system, or place of use.

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Please check the appropriate box below and provide the requested information

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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.)
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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

The subject property is in a Critical Groundwater Designated Area. Approval of this could prove beneficial.

Name: Carla McGhee Title: Planning Director
 Signature: [Signature] Phone: 541 922 4624 Date: 12/10/08
 Government Entity: Morrow 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: _____