

WILLIAM I. PORFILY

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June 15, 2010

Michele McAleer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-2430

Re: File # G- 17260 (Alan Cleaver) and your Preliminary Determination Letter of
May14, 2010

Michele,

Enclosed is a new Land Use Form addressing the missing tax lots in the original Land Use Form as identified in your May 14th letter. Also enclosed is an amended application map that has removed the acre that was also included in Permit G-4933. This map identifies the number of acres hachured that was omitted in the original application map.

The wells (Well 11, Well 12 and Well F) were in existence at the time we submitted the application. Wells 12 and F have no access ports for measuring water levels. I have enclosed the Water Level Measurement Use Impact Plan (WLMUI) for Permit G-15396. Permit G-15396 also includes these three wells as POAs. This WLMUI for Permit G-15396 identifies two neighboring wells along with Well 11 for making and reporting water level measurements. These measurements for Permit G-15396 will also be a good reference against the future measurements made under this application. Thus, we request permission for the wells and water level measurements under WLMUI for Permit G-15396 to be made or allowed in the conditions for Application G-17260.

There is no well log for Well F, thus, we will need an OWRD Well Identification Number for this well. Please provide number and tag for this well. Wells 11 & 12 have well logs and have UMAT numbers assigned to them on their respective well logs but no ID tags have been attached to these wells. Please provide tags for these wells if they are required.

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Upon receiving this letter, please remove Application G-17260 from the administrative hold I placed on it last week.

Feel free to call me if you have any questions or would like additional information.

Sincerely,

A handwritten signature in purple ink that reads "Bill".

William I. Porfily

Cc Alan Cleaver, P.O. Box 1191, Hermiston, OR 97838

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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

- A. Applicant

Name: Alan Cleaver
 Address: P.O. Box 1191
 City: Hermiston State: OR Zip: 97838 Day Phone: (541)567-2380

- B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designated (e.g. Rural Residential/RR-5)	Water to be: (Check all that apply)	Proposed Land Use
T5N R26E WM Sect. 34 TLs 100, 101, & 103	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
T5N R26E WM Sect. 35 TLs 100	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
T4N R26E WM Sect. 2 TLs 300, & 400	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
T4N R26E WM Sect. 3 TLs 100, 101, 102, 200, 201, 300, 500, & 600	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation

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

- C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.
 Water Use Permit Water Right Transfer Allocation of Conserved Water Exchange

Indicate the intended use of water and describe the key characteristics of the project.

- Commercial Industrial Instream Irrigation
 Municipal Quasi-municipal Domestic (indicate number of households)
 Other _____

Briefly describe: This application proposes to supplemental irrigate from existing wells areas with West Extension Irrigation District Water Rights when their water is not available

Indicate the source of the water to be used.

- Reservoir/Pond Ground Water Surface Water _____

Indicate the estimated quantity of water the use will require: 7.83 CFS GPM Acre-Feet (Source)

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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 will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

- A. Allowed Use

Check the appropriate box below and provide 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): MCZO Article 3
Section 3.010. Go to section B "Approval" below.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Type of Land Use Approval Needed (3.g. plan amendments, rezones, conditional use permits, etc.)	City Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

- B. Approval

Please provide printed name and written signature.

Name: CARLA MCLANE Date: 5/27/2010
 Title: PLANNING DIRECTOR Phone: 541 922 4624
 Signature: *Carla McLane*

- C. Additional Comments

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

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Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. 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.

**AMENDED 07-20-09
 PLAN FOR REPORTING THE USE AND IMPACT OF
 GROUNDWATER WITHDRAWAL
 For Permit G-15396**

1. Permit Holder

Alan Cleaver

2. Wells included in this Plan

Under Water Right Permit G-15396 eight wells were authorized to be used for primary and supplemental irrigation. The same numbering system used to identify wells in the permit will be used in this report.

3. History

Below are the 7 of 8 water levels at the time the wells were drilled. This information was taken from the well logs for each well. The well log for "Well F" was not found.

Well #	Date Drilled	Water Level Below Land Surface	Elevation Above Sea Level*	Water Levels Above Sea Level
1	May 1971	57 feet	325	268
2	June 1971	67 feet	335	268
3	June 1971	62 feet	338	276
4	June 1971	73 feet	348	275
6	July 1971	65 feet	332	267
F	-----	-----	318	----
11	Sept. 1971	43 feet	315	272
12	Sept. 1971	44 feet	322	278

* Taken from a USGS Quad Map

These wells were used under existing water right certificates before the issuing of Permit G-15396. A new reference water level may be needed to reflect current conditions. All the wells were surveyed on April 7, 2004. Well #11 was the only one with an access port for measuring water levels.

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Previous land owner Dennis Logan advised us that there are several other unused wells in the vicinity that may provide the water level measurements we need. We located the two described below:

Air Strip Well: This is currently an unused 8 inch well which is located 140 ft South and 60 ft East from the intersection of Paterson Ferry Road and US Highway 730 in the SW ¼ of Section 34, Township 5 North, Range 26 East WM. The well log indicates the well is 87 feet deep. The well log is attached.

North of Big Rock Well: This is currently an unused 8 inch well which is located 3410 ft North and 525 ft East from the intersection of Paterson Ferry Road and US Highway 730 in the NW ¼ of Section 34, Township 5 North, Range 26 East WM. Measurements show this well to be 99.1 feet deep. No well log was located for this well.

Under this plan we propose to use the Air Strip Well, North Big Rock Well, and Well #11 described below to monitor the effects of water use on the aquifer water levels that provide water for Permit G-15396.

Well #11: Located in the NW¼ NW¼, Section 35 T5N, R26E, WM, 610 feet South & 110 feet East from the NW Corner, Section 35. The well log is attached.

All 8 wells authorized in Permit G-15396 had relatively the same water level measurements at the time of drilling. If the proposed monitoring wells are found not suitable we will equip the other agreed upon wells with measuring ports. This will be done in consultation with the Oregon Water Resources Department (OWRD).

4. Frequency and Timing of Static Water Level Measurements

Water will be measured every year in March and reported to the OWRD by April 15th.

5. Methodology for Obtaining Measurements

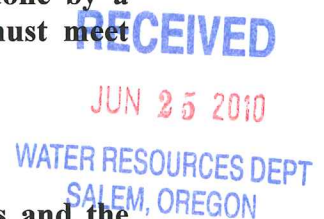
An E-tape (well probe) will be used to obtain water level measurements. Reading will be taken in feet and 1/10th foot and reported to the nearest tenth of foot.

6. Qualification of the Person Measuring

The water level measurements and the water use calculations will be done by a competent, independent third party hired by the permit holder that must meet approval of the OWRD.

7. Reporting Frequency and Timing

The permit holder is responsible for annually reporting the water levels and the previous year's water usage to the OWRD by April 15th.



9. Stipulated A Reference Water Level

In the table we have listed the water levels in the Air Strip Well and Well #11 from the well logs. Water levels have been measured in the proposed monitoring wells since 2004. We have listed these measurements. The measurements made in 2005 will be the **reference levels** used to determine if water use needs to be curtailed as required in the permit.

Water Level above Sea Level (feet)									
Years/ Wells	WL when Drilled	2004	2005	2006	2007	2008	2009	2010	2011
Well #11	272	269.1	268.1*	267.65	266.5	265.8	-----*		
Air Strip Well	267	269.1	272.5*	272.4	272.6	273.5	266.0		
N. Big Rock		-----	280.8*	281.3	281.5	281.7	274.4		

*Was operating much of the measuring period do to wind and blowing dust.

* Reference levels to compare future measurements

10. Measurement Discontinuation

Water levels have remained stable since wells were drilled in the early 1970's. This amended plan proposes to discontinue water level measurements effective 2009, until OWRD requires that the measurements be resumed in the future (See Attached July 20, 2009 E-mail Mike Zwart).

11. Attachments

Attached are the well logs for Well #11 and Air Strip Well, Mike Zwart July 20, 2009 Email, and the application map for Permit G-15396 showing the location of the monitoring wells.

Alan Cleaver

Date

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Bill Porfily

From: Mike Zwart [zwartmj@wrd.state.or.us]
Sent: Monday, July 20, 2009 1:58 PM
To: Bill Porfily
Subject: RE: Plan for Reporting the Use and Impact of Ground Water Withdrawals for Permit G-15396

Bill,

I have reviewed the draft plan. I have previously tied well F to log-id MORR 1271. Let me know if you believe that this is not an accurate tie.

I would like you to consider making an additional request to amend the plan to discontinue measurements, effective 2009, until the Department requires that the measurements be resumed in the future. Current water levels in this aquifer appear to be reasonably stable. If you do not follow up with this suggestion, then the amended plan as you have proposed here will be approved and I will be expecting future water levels to be submitted in accordance with the plan.

Mike Zwart

Michael Zwart
Oregon Water Resources Department
503-986-0844

From: Bill Porfily [mailto:bporfily@my180.net]
Sent: Tuesday, July 07, 2009 4:33 PM
To: Mike Zwart
Cc: 'Angel Edmiston'
Subject: Plan for Reporting the Use and Impact of Ground Water Withdrawals for Permit G-15396

Mark

Attached is a proposed amended plan, two well logs and a map for measuring and reporting water levels for the above mention permit. This is in response to your March 16, 2009 to Alan Cleaver and you May 10, 2004 Letter to Richard Carney. Please advise if this plan meets the requirement that is required in Permit G-15396. We will send you hard copies if this is O-K.











Thanks for your consideration in this matter

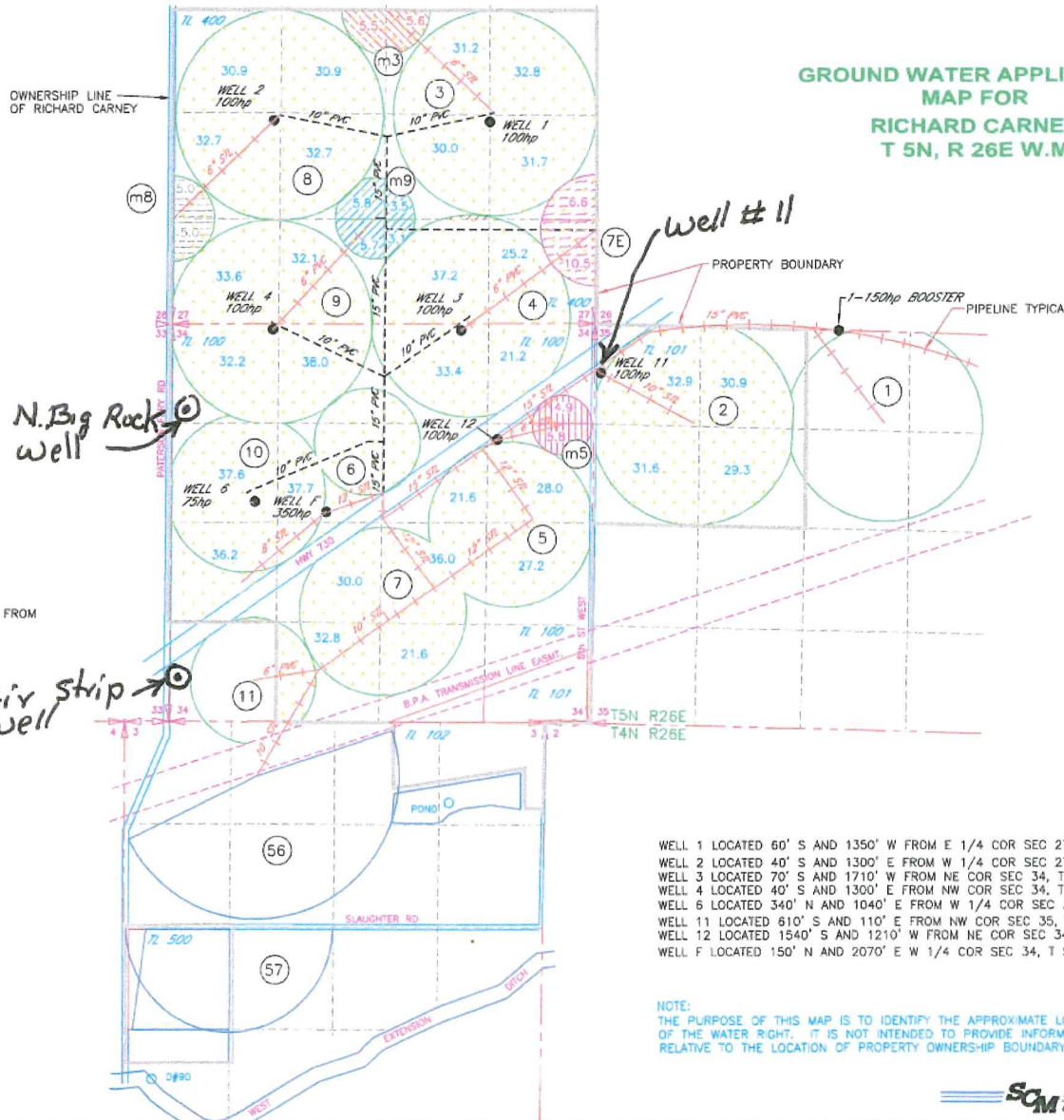
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**GROUND WATER APPLICATION
MAP FOR
RICHARD CARNEY
T 5N, R 26E W.M.**

LEGEND

-  11.1AC PRIMARY FROM WELL 1
-  10.0AC PRIMARY FROM WELL 2
-  17.1AC PRIMARY FROM WELL 3
-  18.1AC PRIMARY FROM WELL 4
-  10.7AC PRIMARY FROM WELL 12
-  1006.2AC SUPPLEMENTAL FROM ALL WELLS
-  CIRCLE NUMBER
-  WELLS
-  PROPOSED PIPE
-  EXISTING PIPE



- WELL 1 LOCATED 60' S AND 1350' W FROM E 1/4 COR SEC 27, T 5N, R 26E W.M.
- WELL 2 LOCATED 40' S AND 1300' E FROM W 1/4 COR SEC 27, T 5N, R 26E W.M.
- WELL 3 LOCATED 70' S AND 1710' W FROM NE COR SEC 34, T 5N R, 26E W.M.
- WELL 4 LOCATED 40' S AND 1300' E FROM NW COR SEC 34, T 5 N R, 26E W.M.
- WELL 6 LOCATED 340' N AND 1040' E FROM W 1/4 COR SEC 34, T 5N, R 26E W.M.
- WELL 11 LOCATED 610' S AND 110' E FROM NW COR SEC 35, T 5N, R 26E W.M.
- WELL 12 LOCATED 1540' S AND 1210' W FROM NE COR SEC 34, T 5N, R 26E W.M.
- WELL F LOCATED 150' N AND 2070' E W 1/4 COR SEC 34, T 5N, R 26E W.M.

NOTE:
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

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Well Water Level Measurements Paterson Ferry Road
(Carney Farm)
February 20, 2010

Well 11:

Located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35 T5N, R26E, WM. 610 feet South & 110 feet East from the NW Corner, Section 35.

Measured: February 19, 2010

Well has been idle since last fall shut down.

Measurement was done through 1 $\frac{1}{2}$ " access pipe east side of well.

Measurement point was top of the 1 $\frac{1}{2}$ " pipe one foot above ground level.

Several feet of pump lubricating oil is on top of water level.

Water level was 56.9 ft 11 inches below top of the 1 $\frac{1}{2}$ " access pipe or 55.9 ft below ground level.

Ground elevation of this well taken from a USGS Quad Map is 315 ft above sea level.

Air Strip Well:

This is a currently unused 8 inch well located 140 ft South and 60 ft East from the intersection of Paterson Ferry Road and US Hiway 730 in the SW 1/4 of Section 34, Township 5 North, Range 26 East WM.

Measured: February 19, 2010

Well has been idle for over a year.

Measurement was done with an E-Tape (well probe).

Measurement was done through 2" nipple top of well casing.

Measuring point was the top of the casing 8" inches above ground level.

Water level was 54.8 ft below the top of the casing or 54.2 ft below ground level.

Depth of well was measure at 59.6 feet below land surface in 2004.

Ground elevation of this well taken from a USGS Quad Map is 320 ft above sea level.

Irrigation had not started for season

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North of Big Rock Well:

This is a currently unused 8 inch well Located 3410 ft North and 525 ft East from the intersection of Paterson Ferry Road and US Hiway 730 in the NW 1/4 of Section 34, Township 5 North, Range 26 East WM.

Measured: February 19, 2010

Well has been idle for over a year.

Measurement was done with an E-Tape (well probe).

Measurement was done through 1” hole north side top of well casing.

Measuring point was the top of the casing 8” inches above ground level.

Water level was 77.3 ft below the top of the casing or 76.6 ft below ground level.

Depth of well was measure at 99.1 feet below land surface in 2005.

Ground elevation of this well taken from a USGS Quad Map is 350 ft above sea level.

Irrigation had not started for season

Water Level above Sea Level (feet)

Years/ Wells	4-29 2004	4-01 2005	3-02 2006	3-28 2007	3-22 2008	3-23 2009	2-19 2010	2011
Well #11	269.1	268.1	267.65	266.5	265.8	runin	259.1	
Air Strip Well	269.1	272.5	272.4	272.6	273.5	266	265.8	
N. Big Rock	-----	280.8	281.3	281.5	281.7	274.4	273.4	

Summary: Water levels measurements show a decline from last years measurements. The Air Strip Well of 0.2 ft, the N. Big Rock Well of 1.0 ft and the Well #11 a decline of 6.7 ft in the last two years. This is the earliest in the year that measurements have been taken. It would be interesting what happens to water levels when West Extension Irr. Dist. turns on their system.

Water level measurements taken by William Porfily.

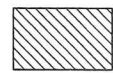
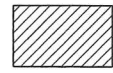


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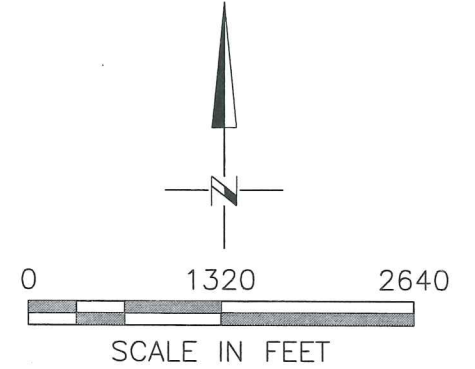
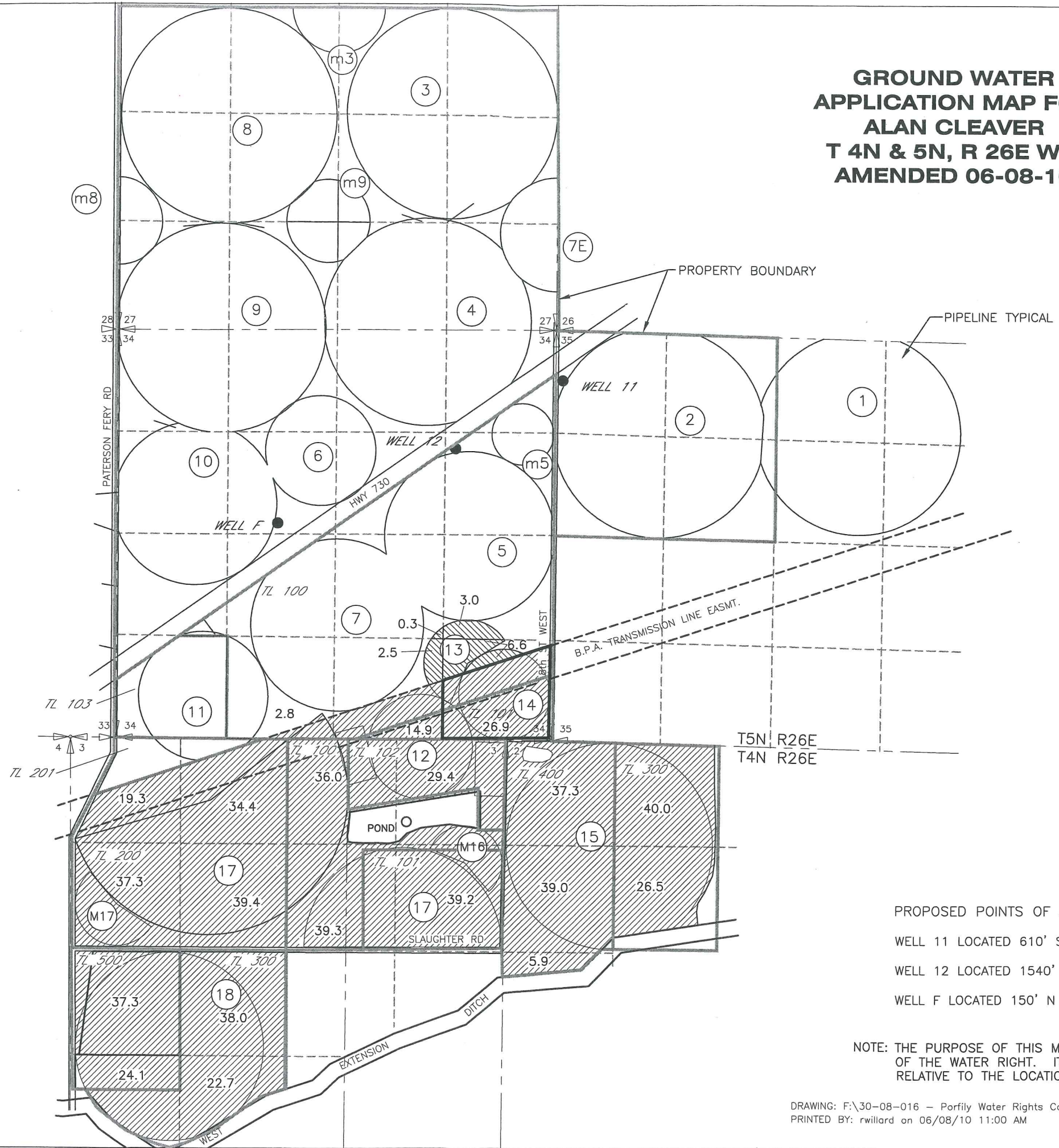
JUN 25 2010

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**GROUND WATER
APPLICATION MAP FOR
ALAN CLEAVER
T 4N & 5N, R 26E WM
AMENDED 06-08-10**

LEGEND

-  12.4 AC PRIMARY
-  589.7 AC SUPPLEMENTAL
-  CIRCLE NUMBER
-  WELLS



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PROPOSED POINTS OF APPROPRIATION
 WELL 11 LOCATED 610' S AND 110' E FROM NW COR SEC 35, T 5N, R 26E W.M.
 WELL 12 LOCATED 1540' S AND 1210' W FROM NE COR SEC 34, T 5N, R 26E W.M.
 WELL F LOCATED 150' N AND 2070' E W 1/4 COR SEC 34, T 5N, R 26E W.M.

NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.