

**Oregon Water Resources Department  
Water Rights Services Division**

Water Rights Application  
Number G-17567

**Proposed Final Order**

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

*Application History*

On June 20, 2012, Confederated Tribes of the Umatilla Indian Reservation submitted an application to the Department for the following water use permit:

- Amount of Water: 2.0 CUBIC FEET PER SECOND (CFS), NOT TO EXCEED 200.0 ACRE FEET (AF) PER YEAR
- Use of Water: QUASI-MUNICIPAL USE
- Source of Water: WELL 6 (UMAT 57015) IN SOUTH PATAWA CREEK BASIN
- Area of Proposed Use: UMATILLA COUNTY WITHIN
  - TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.;
  - TOWNSHIP 1 NORTH, RANGE 33 EAST, W.M.;
  - TOWNSHIP 1 NORTH, RANGE 34 EAST, W.M.;
  - TOWNSHIP 1 NORTH, RANGE 35 EAST, W.M.;
  - TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.;
  - TOWNSHIP 1 SOUTH, RANGE 33 EAST, W.M.;
  - TOWNSHIP 2 NORTH, RANGE 32 EAST, W.M.;
  - TOWNSHIP 2 NORTH, RANGE 33 EAST, W.M.;
  - TOWNSHIP 2 NORTH, RANGE 34 EAST, W.M.;
  - TOWNSHIP 2 NORTH, RANGE 35 EAST, W.M.;
  - TOWNSHIP 2 NORTH, RANGE 36 EAST, W.M.;
  - TOWNSHIP 3 NORTH, RANGE 33 EAST, W.M.;
  - TOWNSHIP 3 NORTH, RANGE 34 EAST, W.M.;
  - TOWNSHIP 3 NORTH, RANGE 35 EAST, W.M.;
  - TOWNSHIP 3 NORTH, RANGE 36 EAST, W.M.;
  - TOWNSHIP 4 NORTH, RANGE 34 EAST, W.M.; AND
  - TOWNSHIP 4 NORTH, RANGE 35 EAST, W.M.

On December 18, 2012, the Department mailed the applicant notice of its Initial Review, determining that *"The appropriation of 2.0 CFS from Well 6 (UMAT 57015) in South Patawa Creek Basin, not to exceed 200 AF per year, for quasi-municipal use is allowable during the full period requested, year-round."* The applicant did not notify the Department to stop processing the application within 14 days of that date.

On December 18, 2012, 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.

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

- any applicable basin program
- applicable statutes, administrative rules, and case law
- the amount of water available
- the rate and duty for the proposed use
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- pending senior applications and existing water rights of record
- any applicable comprehensive plan or zoning ordinance
- recommendations by other state agencies
- the Scenic Waterway requirements of ORS 390.835
- designations of any critical ground water areas
- any comments received

#### *Findings of Fact*

The Umatilla Basin Program allows quasi-municipal use.

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. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

#### 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 equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The 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.

Well 6 (UMAT 57015) in South Patawa Creek Basin is not within or above a State Scenic Waterway.

The Department finds that the amount of water requested, 2.0 CFS, not to exceed 200.0 AF per year, 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 Umatilla Basin Program.

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 application is in compliance with the State Agency Coordination Program regarding 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 February 19, 2013

*E. Timothy Wallin*

E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director

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 **April 5, 2013**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected,

and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;

- If you are the applicant, the protest fee of \$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 **April 5, 2013**. 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.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

*This document was prepared by Tim Wallin. If you have any questions about any of the statements contained in this document, please contact Ruben Ochoa at 503-986-0874.*

*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.*

*Please address all correspondence to: Ruben Ochoa, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*

DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
46411 TIMINE WAY  
PENDLETON, OR 97801

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

APPLICATION FILE NUMBER: G-17567

SOURCE OF WATER: WELL 6 (UMAT 57015) IN SOUTH PATAWA CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL USE

MAXIMUM RATE/VOLUME: 2.0 CUBIC FEET PER SECOND, NOT TO EXCEED 200.0 ACRE FEET PER YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 20, 2012

WELL LOCATION: SW ¼ NW ¼ SECTION 34, T2N, R33E, W.M.; 110 FEET NORTH AND 1000 FEET EAST FROM W1/4 CORNER SECTION 34

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE ¼ NE ¼	NE ¼ NE ¼	ALL
NE ¼ SE ¼	SE ¼ NE ¼	SECTION 3
SECTION 1	NE ¼ SE ¼	
	SE ¼ SE ¼	ALL
NE ¼ SE ¼	SECTION 25	SECTION 4
SE ¼ SE ¼		
SECTION 12	NE ¼ NE ¼	ALL
	SE ¼ NE ¼	SECTION 5
NE ¼ NE ¼	NE ¼ SE ¼	
SE ¼ NE ¼	SE ¼ SE ¼	ALL
NE ¼ SE ¼	SECTION 36	SECTION 6
SE ¼ SE ¼	TOWNSHIP 1 NORTH,	
SECTION 13	RANGE 32 EAST, W.M.	ALL
		SECTION 7
NE ¼ NE ¼	ALL	
SE ¼ NE ¼	SECTION 1	ALL
NE ¼ SE ¼		SECTION 8
SE ¼ SE ¼	ALL	TOWNSHIP 1 NORTH,
SECTION 24	SECTION 2	RANGE 33 EAST, W.M.



ALL SECTION 9	ALL SECTION 25	ALL SECTION 5
ALL SECTION 10	ALL SECTION 26	ALL SECTION 6
ALL SECTION 11	ALL SECTION 27	ALL SECTION 7
ALL SECTION 12	ALL SECTION 28	ALL SECTION 8
ALL SECTION 13	ALL SECTION 29	ALL SECTION 9
ALL SECTION 14	ALL SECTION 30	ALL SECTION 10
ALL SECTION 15	ALL SECTION 31	ALL SECTION 11
ALL SECTION 16	ALL SECTION 32	ALL SECTION 12
ALL SECTION 17	ALL SECTION 33	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼
ALL SECTION 18	ALL SECTION 34	SECTION 13
ALL SECTION 19	ALL SECTION 35	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼
ALL SECTION 20	ALL SECTION 36	SECTION 14
ALL SECTION 21	TOWNSHIP 1 NORTH, RANGE 33 EAST, W.M.	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼
ALL SECTION 22	ALL SECTION 1	SECTION 15
ALL SECTION 23	ALL SECTION 2	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼
ALL SECTION 24	ALL SECTION 3	SECTION 16
	ALL SECTION 4	TOWNSHIP 1 NORTH, RANGE 34 EAST, W.M.

NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 17	ALL SECTION 7	ALL SECTION 3
NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SW ¼ NW ¼ NW ¼ SW ¼ SW ¼ SW ¼ SECTION 18	ALL SECTION 9	ALL SECTION 5
NW ¼ NW ¼ SW ¼ NW ¼ NW ¼ SW ¼ SECTION 31 TOWNSHIP 1 NORTH, RANGE 34 EAST, W.M.	ALL SECTION 10	ALL SECTION 6
NW ¼ NW ¼ SW ¼ NW ¼ NW ¼ SW ¼ SECTION 31 TOWNSHIP 1 NORTH, RANGE 34 EAST, W.M.	ALL SECTION 11	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 7
NW ¼ NW ¼ SW ¼ NW ¼ NW ¼ SW ¼ SECTION 31 TOWNSHIP 1 NORTH, RANGE 34 EAST, W.M.	NE ¼ NW ¼ SW ¼ NW ¼ SW ¼ SW ¼ SECTION 12	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 8
NW ¼ NE ¼ SW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW 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 SECTION 1	NW ¼ NW ¼ SECTION 15	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 9
ALL SECTION 2	NE ¼ NE ¼ SECTION 16	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 10
ALL SECTION 3	NE ¼ NE ¼ SE ¼ NE ¼ NE ¼ SE ¼ SE ¼ SE ¼ SECTION 1	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 11
ALL SECTION 4	NE ¼ NE ¼ SECTION 12 TOWNSHIP 1 SOUTH, RANGE 32 EAST, W.M.	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 12
ALL SECTION 5	ALL SECTION 1	NE ¼ NE ¼ NW ¼ NE ¼ NE ¼ NW ¼ NW ¼ NW ¼ SECTION 12
ALL SECTION 6	ALL SECTION 2	TOWNSHIP 1 SOUTH, RANGE 33 EAST, W.M.

SE ¼ NE ¼  
 NE ¼ SE ¼  
 SE ¼ SE ¼  
 SECTION 36  
 TOWNSHIP 2 NORTH,  
 RANGE 32 EAST, W.M.

ALL  
 SECTION 1

ALL  
 SECTION 2

ALL  
 SECTION 3

ALL  
 SECTION 4

ALL  
 SECTION 5

NE ¼ NE ¼  
 SE ¼ NE 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 6

ALL  
 SECTION 7

ALL  
 SECTION 8

ALL  
 SECTION 9

ALL  
 SECTION 10

ALL  
 SECTION 11

ALL  
 SECTION 12

ALL  
 SECTION 13

ALL  
 SECTION 14

ALL  
 SECTION 15

ALL  
 SECTION 16

ALL  
 SECTION 17

ALL  
 SECTION 18

ALL  
 SECTION 19

ALL  
 SECTION 20

ALL  
 SECTION 21

ALL  
 SECTION 22

ALL  
 SECTION 23

ALL  
 SECTION 24

ALL  
 SECTION 25

ALL  
 SECTION 26

ALL  
 SECTION 27

ALL  
 SECTION 28

ALL  
 SECTION 29

ALL  
 SECTION 30

ALL  
 SECTION 31

ALL  
 SECTION 32

ALL  
 SECTION 33

ALL  
 SECTION 34

ALL  
 SECTION 35

ALL  
 SECTION 36  
 TOWNSHIP 2 NORTH,  
 RANGE 33 EAST, W.M.

ALL  
 SECTION 1

ALL  
 SECTION 2

ALL  
 SECTION 3

ALL  
 SECTION 4

ALL  
 SECTION 5

ALL  
 SECTION 6  
 TOWNSHIP 2 NORTH,  
 RANGE 34 EAST, W.M.

ALL  
SECTION 7

ALL  
SECTION 23

ALL  
SECTION 3

ALL  
SECTION 8

ALL  
SECTION 24

ALL  
SECTION 4

ALL  
SECTION 9

ALL  
SECTION 25

ALL  
SECTION 5

ALL  
SECTION 10

ALL  
SECTION 26

ALL  
SECTION 6

ALL  
SECTION 11

ALL  
SECTION 27

ALL  
SECTION 7

ALL  
SECTION 12

ALL  
SECTION 28

ALL  
SECTION 8

ALL  
SECTION 13

ALL  
SECTION 29

ALL  
SECTION 9

ALL  
SECTION 14

ALL  
SECTION 30

ALL  
SECTION 10

ALL  
SECTION 15

ALL  
SECTION 31

ALL  
SECTION 11

ALL  
SECTION 16

ALL  
SECTION 32

ALL  
SECTION 12

ALL  
SECTION 17

ALL  
SECTION 33

ALL  
SECTION 13

ALL  
SECTION 18

ALL  
SECTION 34

ALL  
SECTION 14

ALL  
SECTION 19

ALL  
SECTION 35

ALL  
SECTION 15

ALL  
SECTION 20

ALL  
SECTION 36

ALL  
SECTION 16

ALL  
SECTION 21

TOWNSHIP 2 NORTH,  
RANGE 34 EAST, W.M.

ALL  
SECTION 17

ALL  
SECTION 22

ALL  
SECTION 1

ALL  
SECTION 18

ALL  
SECTION 2

TOWNSHIP 2 NORTH,  
RANGE 35 EAST, W.M.

ALL  
SECTION 19

ALL  
SECTION 20

ALL  
SECTION 21

ALL  
SECTION 22

ALL  
SECTION 23

ALL  
SECTION 24

ALL  
SECTION 25

ALL  
SECTION 26

ALL  
SECTION 27

ALL  
SECTION 28

ALL  
SECTION 29

ALL  
SECTION 30

ALL  
SECTION 31

ALL  
SECTION 32

ALL  
SECTION 33

ALL  
SECTION 34

ALL  
SECTION 35

ALL  
SECTION 36  
TOWNSHIP 2 NORTH,  
RANGE 35 EAST, W.M.

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW 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 5

ALL  
SECTION 6

ALL  
SECTION 7

NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
SE ¼ NW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼

SECTION 8

NW ¼ NW ¼  
SECTION 17

ALL  
SECTION 18

NW ¼ NE ¼  
SW ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW 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

SECTION 19

NW ¼ NW ¼  
SW ¼ NW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼

SECTION 30

SW ¼ NW ¼  
SECTION 31  
TOWNSHIP 2 NORTH,  
RANGE 36 EAST, W.M.

SW ¼ SW ¼  
SE ¼ SW ¼  
SW ¼ SE ¼  
SE ¼ SE ¼

SECTION 25

ALL  
SECTION 36  
TOWNSHIP 3 NORTH,  
RANGE 33 EAST, W.M.

ALL  
SECTION 1

ALL  
SECTION 2

NE ¼ SE ¼  
SE ¼ SE ¼

SECTION 3

SW ¼ SE ¼  
SE ¼ SE ¼

SECTION 9  
TOWNSHIP 3 NORTH,  
RANGE 34 EAST, W.M.

NE ¼ NE ¼	ALL	SW ¼ SW ¼
NW ¼ NE ¼	SECTION 21	SE ¼ SW ¼
SW ¼ NE ¼		SW ¼ SE ¼
SE ¼ NE ¼	ALL	SE ¼ SE ¼
SW ¼ SW ¼	SECTION 22	SECTION 3
SE ¼ SW ¼		
NE ¼ SE ¼	ALL	NE ¼ NW ¼
NW ¼ SE ¼	SECTION 23	NW ¼ NW ¼
SW ¼ SE ¼		SW ¼ NW ¼
SE ¼ SE ¼	ALL	SE ¼ NW ¼
SECTION 10	SECTION 24	NE ¼ SW ¼
		NW ¼ SW ¼
ALL	ALL	SW ¼ SW ¼
SECTION 11	SECTION 25	SE ¼ SW ¼
		NW ¼ SE ¼
ALL	ALL	SW ¼ SE ¼
SECTION 12	SECTION 26	SE ¼ SE ¼
		SECTION 4
ALL	ALL	
SECTION 13	SECTION 27	ALL
		SECTION 5
ALL	ALL	
SECTION 14	SECTION 28	ALL
		SECTION 6
ALL	ALL	
SECTION 15	SECTION 29	ALL
		SECTION 7
ALL	ALL	
SECTION 16	SECTION 30	ALL
		SECTION 8
NE ¼ NE ¼	ALL	
SE ¼ NE ¼	SECTION 31	ALL
NE ¼ SE ¼		SECTION 9
SE ¼ SE ¼	ALL	
SECTION 17	SECTION 32	ALL
		SECTION 10
SW ¼ SE ¼	ALL	
SE ¼ SE ¼	SECTION 33	NE ¼ NW ¼
SECTION 19		NW ¼ NW ¼
	ALL	SW ¼ NW ¼
NE ¼ NE ¼	SECTION 34	SE ¼ NW ¼
SE ¼ NE ¼		NE ¼ SW ¼
SW ¼ SW ¼	ALL	NW ¼ SW ¼
SE ¼ SW ¼	SECTION 35	SW ¼ SW ¼
NE ¼ SE ¼		SE ¼ SW ¼
NW ¼ SE ¼	ALL	SECTION 11
SW ¼ SE ¼	SECTION 36	TOWNSHIP 3 NORTH,
SE ¼ SE ¼	TOWNSHIP 3 NORTH,	RANGE 35 EAST, W.M.
SECTION 20	RANGE 34 EAST, W.M.	

NW ¼ SE ¼  
 SW ¼ SE ¼  
 SE ¼ SE ¼  
 SECTION 11

SE ¼ SW ¼  
 SW ¼ SE ¼  
 SECTION 12

ALL  
 SECTION 13

ALL  
 SECTION 14

ALL  
 SECTION 15

ALL  
 SECTION 16

ALL  
 SECTION 17

ALL  
 SECTION 18

ALL  
 SECTION 19

ALL  
 SECTION 20

ALL  
 SECTION 21

ALL  
 SECTION 22

ALL  
 SECTION 23

ALL  
 SECTION 24

ALL  
 SECTION 25

ALL  
 SECTION 26

ALL  
 SECTION 27

ALL  
 SECTION 28

ALL  
 SECTION 29

ALL  
 SECTION 30

ALL  
 SECTION 31

ALL  
 SECTION 32

ALL  
 SECTION 33

ALL  
 SECTION 34

ALL  
 SECTION 35

ALL  
 SECTION 36  
 TOWNSHIP 3 NORTH,  
 RANGE 35 EAST, W.M.

SE ¼ NE ¼  
 SE ¼ SW ¼  
 NE ¼ SE ¼  
 NW ¼ SE ¼  
 SW ¼ SE ¼  
 SE ¼ SE ¼  
 SECTION 8

SW ¼ NW ¼  
 SE ¼ NW ¼  
 NE ¼ SW ¼  
 NW ¼ SW ¼  
 SW ¼ SW ¼  
 SECTION 9

SE ¼ SW ¼  
 NE ¼ SE ¼  
 NW ¼ SE ¼  
 SW ¼ SE ¼  
 SE ¼ SE ¼  
 SECTION 9

SW ¼ SW ¼  
 SE ¼ SW ¼  
 SECTION 10

NE ¼ NW ¼  
 NW ¼ NW ¼  
 SE ¼ NW ¼  
 NW ¼ SW ¼  
 SW ¼ SW ¼  
 SECTION 15

ALL  
 SECTION 16

ALL  
 SECTION 17

SE ¼ NE ¼  
 NW ¼ NW ¼  
 SW 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 18

ALL  
 SECTION 19

ALL  
 SECTION 20  
 TOWNSHIP 3 NORTH,  
 RANGE 36 EAST, W.M.

NE ¼ NE ¼  
NW ¼ NE ¼  
SW ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW 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  
SW ¼ SE ¼  
SECTION 21

SW ¼ SW ¼  
SE ¼ SW ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 25  
  
SE ¼ SE ¼  
SECTION 26  
  
NE ¼ NE ¼  
SE ¼ NE ¼  
NE ¼ SE ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 35

NW ¼ NE ¼  
SW ¼ NE ¼  
NE ¼ NW ¼  
NW ¼ NW 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  
SECTION 28

ALL  
SECTION 36  
TOWNSHIP 4 NORTH,  
RANGE 34 EAST, W.M.

SW ¼ SW ¼  
SW ¼ SE ¼  
SECTION 29  
  
SW ¼ SW ¼  
SE ¼ SW ¼  
SW ¼ SE ¼  
SE ¼ SE ¼  
SECTION 30

ALL  
SECTION 29

ALL  
SECTION 30

ALL  
SECTION 31

ALL  
SECTION 31

ALL  
SECTION 32

ALL  
SECTION 32

NW ¼ SW ¼  
SW ¼ SW ¼  
SECTION 33  
TOWNSHIP 4 NORTH,  
RANGE 35 EAST, W.M.

NE ¼ NW ¼  
NW ¼ NW ¼  
SW ¼ NW ¼  
NW ¼ SW ¼  
SW ¼ SW ¼  
SECTION 33  
TOWNSHIP 3 NORTH,  
RANGE 36 EAST, W.M.



## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water diverted each month, and shall submit to the Department copies of the daily logs showing water-level recordings that are submitted to the CTUIR's Department of Natural Resources, Water Resources Program monthly or more frequently as may be required by the Director. 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; provided however, where any meter 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.

**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 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

E. Timothy Wallin, Water Rights Program Manager  
for Phillip C. Ward, Director

# Mailing List for PFO Copies

---

Application #G-17567

PFO Date February 19, 2013

**Original mailed to applicant:**

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
ATTENTION: AARON SKIRVIN  
46411 TIMINE WAY  
PENDLETON, OR 97801

**SENT VIA EMAIL:**

1. WRD - Watermaster #5

Copies sent to:

1. WRD - File # G-17567
2. WRD - Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Regional Manager: NC

<p>Copies Mailed By: _____ (SUPPORT STAFF) on: _____ (DATE)</p>
---

<p>Protest/ Standing Dates checked _____</p>
--

CASEWORKER : Tim Wallin/Kerry Kavanagh