

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME PORT OF MORROW ATTN: MIFF DEVIN		PHONE (541) 571-9648	FAX
ADDRESS 2 MARINE DRIVE			CELL
CITY BOARDMAN	STATE OR	ZIP 97818	E-MAIL * MIFFD@PORTOFMORROW.COM

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME BRUCE BRODY-HEINE		PHONE 971-200-8519	FAX
ADDRESS 147 SW SHEVLIN HIXON DRIVE, SUITE 201			CELL
CITY BEND	STATE OR	ZIP 97702	E-MAIL * BBHEINE@GSIWS.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (Paper copies of the final order documents will also be mailed.)

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.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.
- I have not provided my social security number in any of the materials submitted to the Department.

I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

App. No. 5-88507

For Department Use
Permit No. _____

Date _____

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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☐ Yes

☐ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No

☒ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

The proposed use of water is municipal use by the Port of Morrow. The Port of Morrow has agreements allowing access to the proposed points of diversion. The Port owns the water distribution system within the Port of Morrow water service area. Water is used by the Port of Morrow itself and delivered to commercial and industrial water customers of the Port of Morrow.

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. See Attachment C – Legal Description of PODs

SECTION 3: SOURCE OF WATER

A. 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 - POD #1

Tributary to: Pacific Ocean

Source 2: Columbia River - CID POD #2

Tributary to: Pacific Ocean

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 – The source is not a reservoir.

Do you, or will you, own the reservoir(s) described in item 3A 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.)

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If *all* sources listed in item 3A 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.

SECTION 4: WATER USE

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	USE	PERIOD OF USE	AMOUNT
Columbia River POD 1 - Columbia River	Municipal	October 1 to April 14	29.9 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
CID POD 2 - Columbia River – CID Diversion			

For irrigation use only: - NA - Use is not for irrigation.

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

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

- If the use is **municipal or quasi-municipal**, attach Form M See Attachment D
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☒ Pump (give horsepower and type):

Columbia River POD #1: Five 800 HP with 6,600 gpm capacity for total of 33,000 gpm total capacity.

CID POD #2: The Port will be installing two 800 HP pumps with ~8,000 gpm capacity for total of 16,000 gpm at this location.

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Water will be diverted from the Columbia River and distributed through the Port's existing and future municipal water systems. The diversion system is already constructed and in operation under existing water rights.

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B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

N/A – The water will be used for municipal uses.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The Port has grown rapidly in recent years, and additional growth is anticipated. The Port has an approved WMCP documenting conservation efforts (See Attachment E). All of the Port's water use is measured. The Port recycles more than 75 percent of its customers' wastewater, using it to irrigate organic-certified crops in nearby fields.

SECTION 6: RESOURCE PROTECTION

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 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: Both the Columbia River POD #1 and CID POD #2 diversion are authorized under other water rights and 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 - No excavation of or clearing of banks is anticipated, as both diversion structures are already operable and utilized for a variety of other purposes.

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: N/A - No operation of equipment in a water body is anticipated, as the diversion structures are already operable.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: Process water from activities at the Port is recycled in a variety of ways, including for irrigation of organic crops.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Within 20 years of permit issuance.

Date construction will be completed: Within 20 years of permit issuance.

Date beneficial water use will begin: Within 20 years of permit issuance.

SECTION 8: WITHIN A DISTRICT

☒ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name West Extension Irrigation District	Address 840 E. Highway 730 PO Box 100	
City Irrigon	State OR	Zip 97844

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

See **Attachment F** for a description of the project and the purpose and need for this water right application.

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Attachment A
Permit Application Maps

Application for a Permit to Use Surface Water—Port of Morrow

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Attachment B

Land Use Information Form

Application for a Permit to Use Surface Water—Port of Morrow

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Morrow County LUF

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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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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(503) 986-0900
www.wrd.state.or.us

Applicant(s): Port of Morrow ATTN: Miff Devin

Mailing Address: 2 Marine Drive

City: Boardman

State: OR

Zip Code: 97818

Daytime Phone: 541 571 9648

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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>5N</u>	<u>25E</u>	<u>35</u>	<u>SWSW</u>	<u>100</u>	<u>PI</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>4N</u>	<u>25E</u>	<u>2</u>	<u>NENW</u>	<u>105</u>	<u>PI</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
<u>Port of Morrow Water Service Area (See attached Map).</u>					_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Morrow County
Umatilla 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) Columbia River

Estimated quantity of water needed: 29.9 ☒ 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:

The proposed water right will authorize the diversion of water from the Columbia River from October 1 to April 14 for municipal uses (including irrigation uses) within the Port of Morrow's water service area. See the attached project description for additional details

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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 Page 3. →

5-88507

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): Morrow County Zoning Ordinance 3.073
- ☐ 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:	
		<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
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		<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.

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Name: Stephanie Loving Title: Planner I **OWRD**

Signature: [Signature] Phone: 541-922-4624 Date: 1/17/2018

Government Entity: Morrow County Planning Department

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Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Port of Morrow's Industrial Water Supply Future Water Use Planning

Rational for New Water Right Application

The Port of Morrow (Port) owns and operates several industrial parks and properties in the heart of eastern Oregon's farming country along the Columbia River. These industrial parks allow for agricultural-related industrial processors to be located within farming community. Currently, numerous industrial food processors and other ag-related industries are located at the Port's industrial parks. As part of the Port's services to these industries, the Port operates a land application program that reuses the process water associated with food processing and other industrial tenants. The program provides a service to the industries by managing their wastewater, and it is beneficial to the agricultural community because it re-uses nutrients and process water. This process water is land-applied as part of the irrigation source on adjacent farm fields.

The Port owns the Boardman Industrial Park which includes farm fields and industrial land facilities within the Port's Farm 1 property. As the industrial park has grown rapidly in the last several years, more and more of the fields in Farm 1 are being replaced by industrial operation. Ultimately, the currently farmed land will be completely convert into industrial property. As Farm 1 is converted from irrigation to industrial use, the Port plans to use the former irrigation water as a water supply source for the new industrial customers.

OWRD rules allow for the Port to convert their irrigation water rights to municipal use. However, the conversion process will only allow the use of this water during the irrigation season. Because the industrial facilities at the Port require a year round water source for their operations, the Port needs to obtain a companion water right during the winter period.

This winter-time surface water application for the Columbia River is intended to be the companion water right that will allow the Port to supply year-round water to the future industrial tenants. The Port has already converted, or will in the near future convert, the water rights located on the properties they own from irrigation to municipal use. This includes the following water rights.

- Certificate 90849
- Certificate 91597
- Transfer T-12082
- Transfer T-12790
- Certificate 89305
- Certificate 51885

Water in the Columbia River is not available for further appropriation between April 15th and September 30th (169 days). During this time period, the Port will provide municipal water under the converted irrigation water rights. Outside of this time period, the water allowed under this winter water right application will be used as the companion water right to allow for a year-round supply of water.

This application from the Columbia River will use the same points of diversions as those used under the converted irrigation rights, and is intended to be at an equivalent rate to create water rights that can supply a constant year-round rate. The conversion of the Port's existing irrigation rights over the 169 day period is equivalent to approximately 26.9 cubic feet per second (cfs). The application is requesting 29.9 cfs to cover any unanticipated water rights that the Port may obtain in the future from adjacent or near-by property acquisitions.

The Port is requesting this new water right be a municipal use right to provide the Port with flexibility in current and future water uses. Municipal use rights includes the use of water for irrigation and other agricultural type of uses. All water uses under a new permit will be required to follow all local land use rules and requirements.

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Umatilla County LUF

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Properties in Umatilla County are all EAU zoned farm properties.

Name: CAROL JOHNSON Title: Planner
 Signature: Carol Johnson Phone: 541-278-6252 Date: 01/17/2018
 Government Entity: UMATILLA County

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Future Water Use Planning***

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Rational for New Water Right Application **OWRD**

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The Port owns the Boardman Industrial Park which includes farm fields and industrial land facilities within the Port's Farm 1 property. As the industrial park has grown rapidly in the last several years, more and more of the fields in Farm 1 are being replaced by industrial operation. Ultimately, the currently farmed land will be completely convert into industrial property. As Farm 1 is converted from irrigation to industrial use, the Port plans to use the former irrigation water as a water supply source for the new industrial customers.

OWRD rules allow for the Port to convert their irrigation water rights to municipal use. However, the conversion process will only allow the use of this water during the irrigation season. Because the industrial facilities at the Port require a year round water source for their operations, the Port needs to obtain a companion water right during the winter period.

This winter-time surface water application for the Columbia River is intended to be the companion water right that will allow the Port to supply year-round water to the future industrial tenants. The Port has already converted, or will in the near future convert, the water rights located on the properties they own from irrigation to municipal use. This includes the following water rights.

- Certificate 90849
- Certificate 91597
- Transfer T-12082
- Transfer T-12790
- Certificate 89305
- Certificate 51885

Water in the Columbia River is not available for further appropriation between April 15th and September 30th (169 days). During this time period, the Port will provide municipal water under the converted irrigation water rights. Outside of this time period, the water allowed under this winter water right application will be used as the companion water right to allow for a year-round supply of water.

This application from the Columbia River will use the same points of diversions as those used under the converted irrigation rights, and is intended to be at an equivalent rate to create water rights that can supply a constant year-round rate. The conversion of the Port's existing irrigation rights over the 169 day period is equivalent to approximately 26.9 cubic feet per second (cfs). The application is requesting 29.9 cfs to cover any unanticipated water rights that the Port may obtain in the future from adjacent or near-by property acquisitions.

The Port is requesting this new water right be a municipal use right to provide the Port with flexibility in current and future water uses. Municipal use rights includes the use of water for irrigation and other agricultural type of uses. All water uses under a new permit will be required to follow all local land use rules and requirements.

5-88507

Tax Lots

Port of Morrow - Water Right Application County Land Use Form

Madison Ranch Site Tax Lots

Township	Range	Section	Tax Lot #	County	Umatilla Account #	Name on Account	Deed #
3	N	26	E 24	1305	Morrow	--	--
3	N	26	E 25	1305	Morrow	--	--
3	N	27	E 15	4900	Umatilla	107157	Madison Ranch 5660127
3	N	27	E 16	1100	Morrow	--	--
3	N	27	E 17	1100	Morrow	--	--
3	N	27	E 19	1204	Morrow	--	--
3	N	27	E 20	1100	Morrow	--	--
3	N	27	E 20	1400	Morrow	--	--
3	N	27	E 20	1401	Morrow	--	--
3	N	27	E 29	1700	Morrow	--	--
3	N	27	E 30	1700	Morrow	--	--

Hale Farms Site Tax Lots

Township	Range	Section	Tax Lot #	County	Umatilla Account #	Name on Account	Deed #
2	N	27	E 1	500	Umatilla	106933	Hale Farms LLC 5470637
2	N	28	E 5	900	Umatilla	107115	Hale Farms LLC 5470637
2	N	28	E 6	1000	Umatilla	107116	Hale Farms LLC 5470637
2	N	28	E 6	1100	Umatilla	107117	Prior, Rosalie 4240425
2	N	28	E 7	1100	Umatilla	107117	Prior, Rosalie 4240425
2	N	28	E 7	1300	Umatilla	107120	Hale Farms LLC 5470637
2	N	28	E 7	1400	Umatilla	107121	Prior, Chester J 4240414
2	N	28	E 8	1500	Umatilla	107122	Hale Farms LLC 5470637
2	N	28	E 8	1501	Umatilla	107123	Hale Farms LLC 5470637
2	N	28	E 8	1600	Umatilla	107124	Hale Farms LLC 5470637
2	N	28	E 8	1700	Umatilla	107125	Hale Farms LLC 5470637
2	N	28	E 8	1701	Umatilla	107126	Hale Farms LLC 5470637
2	N	28	E 9	1800	Umatilla	106884	Prior, Chester J & Rosalie 4240415
2	N	28	E 9	1900	Umatilla	106887	Schiller, Marilyn 225929, 3260704, 3260705
2	N	28	E 16	1900	Umatilla	106887	Schiller, Marilyn 225929, 3260704, 3260706
2	N	28	E 16	2900	Umatilla	135464	Schiller, Marilyn 5810612
2	N	28	E 17	1700	Umatilla	107125	Hale Farms LLC 5470637
2	N	28	E 17	1702	Umatilla	106879	Hale Farms LLC 5470637
2	N	28	E 17	1900	Umatilla	106887	Schiller, Marilyn 3260704
3	N	28	E 31	8700	Umatilla	107406	Hawkins Company Inc 169693
3	N	28	E 31	8900	Umatilla	107411	Hale, Robert L & Jane A Partial Plat 2005-27
3	N	28	E 31	8903	Umatilla	160184	Hale Farms LLC 5470637
3	N	28	E 31	8904	Umatilla	160185	Hale Farms LLC 5470637
3	N	28	E 32	9000	Umatilla	107412	Hale Farms LLC 5470637

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Attachment C

Legal Description of POD

Application for a Permit to Use Surface Water—Port of Morrow

S-88507

POM Water Right Application
Columbia River POD #1 – Tax Lot Legal Description

R04647 05N2535 100 LEGAL DESCRIPTION for Assessment Purposes Only

TOWNSHIP 5N RANGE 25EWM 35 50-366
ALL OF SECTION 35 LYING NORTHERLY 55-495
OF THE GOV'T RESERVATION LINE. 56-499

65-287
67-641-643
73-228-231
72-164
67-641
M 4278

WATER RIGHTS M 23224 79.36

JV #9044 1988 BOARD OF EQUALIZATION ORDERS
PUMP PLANT AND PIPELINE EASEMENT ES 11/02/2005 M-4278

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POM Water Right Application
CID POD #2 – Tax Lot Legal Description

R04290 04N2502 105 LEGAL DESCRIPTION for Assessment Purposes Only

TOWNSHIP 4N RANGE 25EWM 2
BEGINNING AT THE NE CORNER OF SECTION 2;
THENCE S 80 DEG. 23' 31" W, A DISTANCE OF 2454.17' TO THE
TRUE POINT OF BEG;
THENCE S 29 DEG. 46' 07" W, A DIST. OF 85';
THENCE N 60 DEG. 13' 53" W, A DIST. OF 100';
THENCE S 29 DEG. 46' 07" W, A DIST. OF 65';
THENCE N 60 DEG. 13' 53" W TO A POINT ON THE ORDINARY
HIGH WATER LINE OF THE COLUMBIA RIVER AS SAID ORDINARY
HIGH WATER LINE EXISTED ON NOVEMBER 3, 1967;
THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID
ORDINARY HIGH WATER LINE, A DISTANCE OF 150', MORE OR
LESS, TO A POINT WHICH LIES N 60 DEG. 13' 53" W,
FROM THE TRUE POINT OF BEGINNING;
THENCE S 60 DEG. 13' 53" E TO THE TRUE POINT OF BEGINNING.

JV 1413

EXCEPTING: T4N25-2-107 0.30 AC.

JV 1489

BEGINNING AT A POINT S 80 DEG.
23' 31" W, 25 454.17" FROM THE NE
CORNER OF SECTION 2, T4N R25EWM;
THENCE S 29 DEG. 46' 07" W, 85';
THENCE N 60 DEG. 13' 53" W, 150';
THENCE N 29 DEG. 46' 07" E, 85';
THENCE S 60 DEG. 13' 53" E, 150' TO
THE POINT OF BEGINNING.

JV# 9044 - 1988 BOARD OF EQUALIZATION ORDERS

JV# 92884 - COMBINATION OF A-1 ACCT(#4279) W/REAL ACCT 12/21/92

B&S M-6241 1.67

B&S M-6814 1.37

PS AGREEMENT M-7155

EASEMENT M-13427

M-13581

M-13583

M-13584

B&S M 13580

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Attachment D
Form M

Application for a Permit to Use Surface Water—Port of Morrow

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Oregon Water Resources Department

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: Port of Morrow

Name and size of area to be served: Port of Morrow Water Service Area - Approximately 21 square miles
(in square miles)

Present population of service area: N/A - the Port does not have a residential population.
(Contact county planning staff, if needed.)

Projected population in 20 years: N/A - The Port's growth is measured in terms of expansion of commercial and industrial activities.
(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:
<u>See Attached Table</u>			

Water Use

Average **yearly** demand: 1319.7 AFY

Year: 2015

Per-capita daily consumption (in gallons): N/A - The Port does not serve a residential population.
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): 6/1 to 9/30 **Total peak season** demand: 415.5 Acre-feet

Peak season per-capita daily consumption: N/A - the Port does not have a residential population.
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:

Produced: 3,890.4 MG

(diverted or pumped)

Delivered: 2795.4 MG

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Is your system fully metered? ☒ Yes ☐ No

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Describe your rate structure: Base charge based on meter size, plus unit-based charge based on consumption.
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)

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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):

The Port of Morrow (Port) owns and operates several industrial parks and properties that are home to numerous industrial food processors and other ag-related industries. The industrial park has grown rapidly in the last several years, and at least one additional large customer is anticipated in the next few years. As this occurs, the Port plans to transfer its irrigation rights from irrigation to municipal use, but this will not allow for the use of water during the non-peak season, so the Port is seeking access to 29.9 cfs of surface water during the non-peak season to make up for this deficit.

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

(e.g. until the year 2040) Until 2038

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

The Port relies on its groundwater rights for sums adjacent to the Columbia River and wholesale water purchased from the City of Boardman to meet demands. It's unclear how much additional development of these sources is possible, but the infrastructure already exists to use water from the Columbia River during the irrigation season. Therefore, the most constraining component of the system is currently the lack of a non-irrigation season water right.

D. Percentage of water use by type:

Residential: _____	Commercial: _____
Public Authority: _____	Agricultural: _____
Unaccounted for use: <u>28.1%*</u>	Industrial: <u>100%</u>
Other (specify use): _____	

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 Port's 2016 WMCP considers potential savings due to conservation, especially metering of construction water use. Regardless of the cost, conservation cannot meet the Port's demands for additional water supply.

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

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

The Port's WMCP targets demand reduction of up to 10 percent annually.

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Attachment E
WMCP Excerpt

Application for a Permit to Use Surface Water—Port of Morrow

3. Municipal Water Conservation Element

This section addresses the requirements of OAR 690-086-0150(1) – (6).

This rule requires a progress report on conservation measures in an existing Plan, if any, and a description of any additional conservation measures. The rule also requires descriptions of specific required conservation measures and benchmarks.

Background and Current Conservation Measures **OAR 690-086-0150(1) and (3)**

OWRD approved the Port's first WMCP on January 18, 2008. Exhibit 3-1 presents the water conservation five-year benchmarks in the Port's approved 2005 WMCP and a progress report for each measure.

Exhibit 3-1. Progress Report on Conservation Measures.

Conservation Measures	2005 Benchmark	2016 Benchmark Status
Annual water audit	None listed.	The Port conducts monthly and annual water audits of its potable water system at Boardman Industrial Park. The water audit consists of comparing water pumped into Boardman Industrial Park's potable water system from groundwater wells plus wholesale water from the City of Boardman to metered consumption by Boardman Industrial Park's potable water customers.
System metering	Provide full industrial supply metering all facilities; use portable meter to spot-check unmetered water users; complete retrofits within 2 years plan approval; meter each new industrial user as they come online.	All Port customers are metered and the Port installs meters on all new water service connections.
Meter testing and maintenance	None listed.	The Port has a meter testing and maintenance program. The Port annually checks that all meters are operating properly. However, the AMR meters state that no calibration is required for the lifetime of the unit. Water quality affects the lifetime of the propeller meters at the Port's wells, requiring the Port to do more frequent checks than annually.

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Exhibit 3-1. Progress Report on Conservation Measures Continued.

Unit-based billing program	Evaluate a rate structure that promotes water conservation in the next two years. Rate adjustments that may be considered include: a) increasing rate with individual consumption, b) higher rates at peak demand, and c) the rates as in plant reuse/recycling is improved	The Port substantially increased water rates approximately three years ago to cover anticipated operational expenses, which also promotes water conservation. The Port has not evaluated a rate structure that promotes water conservation yet due to resource constraints, but in the next five years, the Port will explore a rate structure that charges a higher rate when customers exceed their average rate to encourage water conservation.
Leak detection and pipeline repair or replacement	None listed.	The Port has a leak detection and repair program. The Port conducts visual monitoring, checks meters, conducts annual water audits, and monitors for low pressure readings or abnormal consumption readings that suggest leaks.
Public education	Institute an annual program report to customers within 2 years of plan approval.	The Port did not institute the annual program report. Instead, the Port focused on outreach through personalized letters to operators and plant managers promoting water conservation, as well as personal visits when possible.
	Revitalize the Water Users Committee at Boardman and initiate similar groups for the Airport and South Morrow within 1 year of plan approval. Establish an annual meeting for Port of Morrow water users within 1 year of plan approval.	The Port attempted to revitalize the Water Users Committee, but other members are not interested.
	Survey customers regarding conservation practices implemented and feasible improvements, including equipment upgrades, within 1 year of plan approval.	The Port reached out to customers about water conservation practices and received some written and some verbal responses. Many industrial customers keep operational information private or require the Port to sign nondisclosure agreements. The Port tours facilities when upgrades occur or when the Port notices abnormal consumption. In the case of abnormal consumption, the Port checks for leaks and works with the customer to problem solve the issue.
Technical and financial assistance	Evaluate potential water conservation derived from improvements in landscape irrigation practices within 1 year plan approval. Use of automatic timers is likely to be implemented within 1 year of plan approval.	Since 2005, the Port has removed lawn on Port properties and replaced it with xeriscaping composed mostly of rock. All new landscaping is xeriscaping with rock and drought tolerant plants, and only drip irrigation is used when needed. The Port encourages its customers to match the Port's xeriscaping example, and customers have followed suit. Automatic timers are installed on all irrigation systems.
Water fixture retrofit/replacement assistance	None listed.	Given that the Port's customers are primarily industrial, the Port does not offer to pay for the retrofit/replacement of inefficient fixtures, which could be very costly. However, the Port's customers must follow state and federal plumbing codes, which now require more efficient fixtures.

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Exhibit 3-1. Progress Report on Conservation Measures Continued.

Adoption of rate structures, billing cycles, and other associated programs	None listed.	The Port charges customers a base rate that does not include any minimum amount of water consumption and a consumption rate based on the quantity of water metered at the service connection. The Port bills customers monthly to enable timely feedback on water consumption, thereby enabling customers to consider water conservation actions on a monthly basis. The Port also began metering construction water consumption in 2016 and charging a rate of \$1.50 per 1,000 gallons to encourage water conservation.
Water reuse, recycling, and non-potable water opportunities	Maintain water recycling greater than 75% of process water collected (unless the proportion of water supply used for cooling increases significantly. Use monthly and annual data to determine trends in recycling percentage. Develop a plan for improvement if recycling drops below 75% of process water collected.	The Port has maintained water recycling is greater than 75% of process water collected and continues to use monthly and annual data to determine trends and recycling percentage.
Other conservation measures	Evaluate previously identified opportunities and weaknesses 1 year after plan approval.	The Port did not do a formal evaluation. Instead, the Port focused on implementing its 2005 benchmarks, as well as implementing other initiatives, such as replacing existing meters with AMR meters.

Water conservation measures that the Port has implemented in addition to measures related to benchmarks include:

- Replacing hand read meters with automated meter reading (AMR) meters.
- Conducting water audits as often as weekly, and occasionally daily, for some portions of the water system.
- Tailoring letters promoting water conservation to specific industrial customers.
- Converting lawns on Port property to xeriscaping that uses mostly rock and encouraging customers to do the same.

Use and Reporting Program

OAR 690-086-0150(2)

The Port has a water use measurement and reporting program that complies with the measurement standards in OAR Chapter 690, Division 85. The water use records can be found on the OWRD water use reporting website:
(http://apps.wrd.state.or.us/apps/wr/wateruse_report/).

The Port measures the water pumped from its wells and diverted from the Columbia River using McCrometer propeller meters.

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Attachment F
Project Description

Application for a Permit to Use Surface Water—Port of Morrow

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Port of Morrow's Industrial Water Supply Future Water Use Planning

Rational for New Water Right Application

The Port of Morrow (Port) owns and operates several industrial parks and properties in the heart of eastern Oregon's farming country along the Columbia River. These industrial parks allow for agricultural-related industrial processors to be located within farming community. Currently, numerous industrial food processors and other ag-related industries are located at the Port's industrial parks. As part of the Port's services to these industries, the Port operates a land application program that reuses the process water associated with food processing and other industrial tenants. The program provides a service to the industries by managing their wastewater, and it is beneficial to the agricultural community because it re-uses nutrients and process water. This process water is land-applied as part of the irrigation source on adjacent farm fields.

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OWRD rules allow for the Port to convert their irrigation water rights to municipal use. However, the conversion process will only allow the use of this water during the irrigation season. Because the industrial facilities at the Port require a year round water source for their operations, the Port needs to obtain a companion water right during the winter period.

This winter-time surface water application for the Columbia River is intended to be the companion water right that will allow the Port to supply year-round water to the future industrial tenants. The Port has already converted, or will in the near future convert, the water rights located on the properties they own from irrigation to municipal use. This includes the following water rights.

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- Certificate 91597
- Transfer T-12082
- Transfer T-12790
- Certificate 89305
- Certificate 51885

Water in the Columbia River is not available for further appropriation between April 15th and September 30th (169 days). During this time period, the Port will provide municipal water under the converted irrigation water rights. Outside of this time period, the water allowed under this winter water right application will be used as the companion water right to allow for a year-round supply of water.

This application from the Columbia River will use the same points of diversions as those used under the converted irrigation rights, and is intended to be at an equivalent rate to create water rights that can supply a constant year-round rate. The conversion of the Port's existing irrigation rights over the 169 day period is equivalent to approximately 26.9 cubic feet per second (cfs). The application is requesting 29.9 cfs to cover any unanticipated water rights that the Port may obtain in the future from adjacent or near-by property acquisitions.

The Port is requesting this new water right be a municipal use right to provide the Port with flexibility in current and future water uses. Municipal use rights includes the use of water for irrigation and other agricultural type of uses. All water uses under a new permit will be required to follow all local land use rules and requirements.

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January 24, 2018

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: New Surface Water Application

Dear OWRD,

The Port of Morrow is submitting the attached surface water application to obtain a surface water right from the Columbia River for use of water during the winter period.

The Port owns the Boardman Industrial Park which includes farm fields and industrial land facilities within the Port's Farm 1 property. As the industrial park has grown rapidly in the last several years, more and more of the fields in Farm 1 are being replaced by industrial operation. Ultimately, the currently farmed land will be completely convert into industrial property. As Farm 1 is converted from irrigation to industrial use, the Port plans to use the former irrigation water as a water supply source for the new industrial customers. The Port is working to convert these irrigation rights to municipal use, however conversion process will only allow the use of this water during the irrigation season. Because the industrial facilities at the Port require a year round water source for their operations, the Port needs to obtain a companion water right during the winter period.

This winter-time surface water application for the Columbia River is intended to be the companion water right that will allow the Port to supply year-round water to the future industrial tenants. Please find enclosed the surface water application and a check for the application fee of \$12,300.

Please contact me if you have any questions at 541-481-7467.

Sincerely,

Miff Devin
Port of Morrow

Enclosures: Surface Water Application Form and Attachments
Application Fee

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: source of water requested
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: resource protection
- ☒ SECTION 7: project schedule
- ☒ SECTION 8: within a district
- ☒ SECTION 9: remarks

Attachments:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **See Attachment B**
- ☒ 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. **See Attachment C for legal description of location of POD.**
- ☒ Fees - Amount enclosed: \$ 12,300
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- NA. Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☒ Other:

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Oregon Water Resources Department **Apply for a Permit to Appropriate Surface Water**

[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Today's Date: Thursday, February 1, 2018

Base Application Fee for use of Surface and optionally Stored Water.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	29.9	\$10,500.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	2	\$350.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$12,300.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

C-88507