

# Application for a Permit to Use Groundwater



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

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

### Organization

NAME <b>UMATILLA READY MIX, INC C/O DUSTIN SCOTT</b>		PHONE <b>(541) 567-6173</b>	FAX
ADDRESS <b>P.O BOX 775</b>		CELL <b>(541) 571-6913</b>	
CITY <b>HERMISTON</b>	STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL* <b>ESFODER@YAHOO.COM</b>

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

AGENT / BUSINESS NAME <b>WILLIAM PORFILY</b>		PHONE <b>(541)561-7259</b>	FAX
ADDRESS <b>P.O. BOX 643</b>		CELL <b>(541) 561-7259</b>	
CITY <b>STANFIELD</b>	STATE <b>OR</b>	ZIP <b>97875</b>	E-MAIL* <b>WPORFILY@GMAIL.COM</b>

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 proposed and 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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 (we) affirm that the information contained in this application is true and accurate.**



*Dustin Scott*                      Dustin Scott    Manager                      15 July 19  
Applicant Signature                      Print Name and Title if applicable                      Date

\_\_\_\_\_  
Applicant Signature                      Print Name and Title if applicable                      Date

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For Department Use: App. Number: G-18842

**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.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

N/A

**Legal Description:** 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.

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL #1	COLUMBIA RIVER	5,000 FT	90 FT

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

**THIS PROPOSES TO BE A NEW WELL**

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**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested: 448.8 GPM** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL #1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	PROPOSED 10 IN					BASALT	EST 600+ FT	HOPE 450 GPM	EST 500 AC-FT
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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**SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

**Upper Columbia - OAR 690-033-0115 thru -0130**

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes  No

**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as

appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, you will be required to provide the following information, if applicable.**

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

\_\_\_\_\_

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**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Industrial- Mining	January 1 <sup>st</sup> –December 31 <sup>st</sup>	Estimated 500 Acre-ft

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: \_\_\_\_\_Acres                      Supplemental: \_\_\_\_\_Acres

If you listed supplemental acres, list 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 N/A**
- If the use is **domestic**, indicate the number of households: N/A (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)

- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): The gravel aggregate being mined for use in crushed road rock and concrete production will use equipment associated with gravel pits operations; large front end loaders, cats, rock crusher, dump trucks and cement batch plant.

## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and type): 25hp  
 Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The 25 hp submersible well pump will pump water through 6 and 4 inch buried pvc pipe to aggregate washing activities and control dust at rock crushers, supply water to concrete batch plant and wash off trucks an equipment associated with gravel mining activities.

#### Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

N/A

### B. 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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The amount being requested is required to wash aggregate and supplying water for the production of high quality concrete. We propose to collect and reuse water in the production of gavel, rock crushing, dust control; these activities not requiring higher quality if water.

## SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: Spring of 2020  
 b) Date construction will be completed: 2024  
 c) Date beneficial water use will begin: 2025

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## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
 Describe: We will have a sediment collecting pond. This stored water that is initially used for washing rock aggregate for concrete batch plant will be reused in the operation of gravel pit and other mining activities
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: The site of this rock mining activities current has 1980 mining permit for mining rock aggregate. We currently operate a gravel mining activity just North of Hermiston to supply our current concrete production business. We maintain and operate under DEQ permit for this current operation and understand clearly we will need to make application and operate under a DEQ Permit for the activities at this site.

Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:

List: N/A

### SECTION 9: WITHIN A DISTRICT

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name <u>N/A</u>	Address	
City	State	Zip

### SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

The sight of this rock quarry and rock aggregate mining has had a mining permit since 1980. We have attached a July 23, 2015 onsite Inspection Report and Letter from Oregon Dept of Geology and Mineral Industries regarding the site of the gravel mining.

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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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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.
- Fees - Amount enclosed: \$ 2210.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - 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 diversion, 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 identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery **N/A**
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Note: In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

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# Land Use Information Form



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

**Applicant**

NAME <b>UMATILLA READY MIX</b>			PHONE (HM)		
PHONE (WK) <b>(541) 567-6173</b>		CELL <b>(541) 571-6913</b>		FAX	
ADDRESS <b>P.O. BOX 775</b>					
CITY <b>HERMISTON</b>		STATE <b>OR</b>	ZIP <b>97838</b>	E-MAIL* <b>ESFODER@YAHOO.COM</b>	

**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:
5N	29E	23	N1/2	302	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Gravel Mining for cement and crushing
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

**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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  Groundwater  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: **448.8 gpm**  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 **Gravel Mining**

Briefly describe:

**Our source of gravel for cement and rock crushing in its current location we estimate will only last a couple more years.**

**We propose to secure our gravel from the area identified on the attached Ground water Application Map**



**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.

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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 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): \_\_\_\_\_.
- 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:	
Conditional Use Permit #C-1169	CUP Section 152.610(I)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

OK CUP for gravel pit #C-1169

NAME: CAROL JOHNSON	TITLE: Planner	
SIGNATURE: Carol Johnson	PHONE: 541-278-6252	DATE: 07/10/2019
GOVERNMENT ENTITY: Umatilla County		

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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State of Oregon  
County of Umatilla



THIS SPACE RESERVED FOR Instrument received  
and recorded on  
9/1/2017 09:31 AM

After recording return to:  
Umatilla Ready-Mix, Inc., an Oregon corporation  
PO BOX 775  
Hermiston, OR 97838

in the record of instrument  
code type DE  
Instrument number 2017-6620316  
Fee \$61.00

Until a change is requested all tax statements shall be  
sent to the following address:  
Umatilla Ready-Mix, Inc., an Oregon corporation  
PO BOX 775  
Hermiston, OR 97838  
File No. 190812AM

Office of County Records

*Sten Churchill*

Records Officer

1069194 P2

**STATUTORY WARRANTY DEED**

**Kenneth D. Peterson,**

Grantor(s), hereby convey and warrant to

**Umatilla Ready-Mix, Inc., an Oregon corporation,**

Grantee(s), the following described real property in the County of Umatilla and State of Oregon free of encumbrances  
except as specifically set forth herein:

**Township 5 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon;**

**Section 23: All that portion of the North Half lying Southerly of U.S. Highway No. 730 and Northerly of the  
U.P.R.R. right of way;**

**All that portion of the North Half of the Southwest Quarter and of the Southeast Quarter of the Southwest  
Quarter and of the Southeast Quarter lying Northerly of the U.P.R.R. right of way;**

**EXCEPTING THEREFROM that portion of the Northeast Quarter conveyed to the United States of  
America by deed recorded in Book 228, Page 177, Umatilla County Deed Records.**

**EXCEPTING THEREFROM any portion lying within the County Road right of way;**

**All being East of the Willamette Meridian, Umatilla County, Oregon.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

- 5N29D / 302
- 5N29D / 302
- 5N29D / 303

The true and actual consideration for this conveyance is [REDACTED]  
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and  
those shown below, if any:

2017-2018 Real Property Taxes, a lien not yet due and payable.

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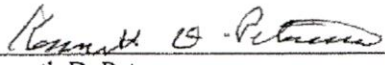
OWRD

AmeriTitle 190812AM

G-18842

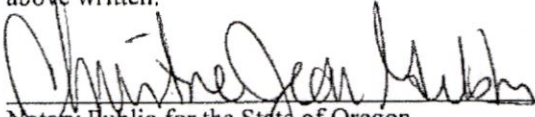
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 31st day of August, 2017.

  
Kenneth D. Peterson

State of Oregon } ss  
County of Umatilla }

On this 31st day of August, 2017, before me, Christine Jean Gibbs a Notary Public in and for said state, personally appeared Kenneth D. Peterson, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
Notary Public for the State of Oregon  
Residing at: Hermiston, Oregon  
Commission Expires: 4-24-21



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# Oregon

Kate Brown, Governor

Department of Geology and Mineral Industries  
Mineral Land Regulation and Reclamation  
229 Broadalbin Street SW  
Albany, OR 97321-2246  
(541) 967-2039  
Fax: (541) 967-2075  
www.oregongeology.org

October 21, 2015

*Report of Onsite Inspection  
Conducted July 23, 2015*



Kenneth D. Peterson  
PO Box 211  
Hermiston OR 97838

MLRR ID: 30-0078  
Hat Rock Pit  
DEQ Permit: None

DOGAMI is currently engaged in a comprehensive review of all permits statewide. The purpose of this comprehensive review is to identify the documents of approval and to describe the parameters of approval specific to each operation. The following describes the documents and conditions of approval followed by a description of current onsite conditions.

Please carefully review this document and if any discrepancies are noted please contact DOGAMI for further discussion.

### COMPREHENSIVE PERMIT REVIEW

#### Site Location

The site is located approximately 8 miles northeast of Hermiston, Oregon. Access to the site is via Diagonal Boulevard (Highway 207) to Highway 730. Turn east onto Highway 730 and travel approximately 1.1 miles to the locked/gated entrance located on the south side of the road. A dirt access road leads to the site. At the fork in the access road, stay to the right. A county exempt site is located adjacent east of the site.

#### Site Information & History

On July 1, 1983 Umatilla County formally took over jurisdiction from the Oregon Department of Geology and Mineral Industries for the regulation of surface mining reclamation in Umatilla County. According to DOGAMI records, Umatilla County Public Works administered the surface mining permit for this site from July 1, 1983 until June 12, 1989 at which time the Umatilla Board of County Commissioners repealed County Ordinance #81-5 and #87-10. By doing so, the Umatilla Board of County Commissioners transferred jurisdiction of the surface mining regulation and reclamation in Umatilla County back to the Oregon Department of Geology and Mineral Industries.

According to DOGAMI records, this site operated under a Umatilla County Surface Mining Permit from 1984 until 1988 at which time the permit was converted to a Grant of Limited Exemption. In referencing the 1984 Umatilla County Operating Permit Application, tax lots 302 and 303 are listed within the site description. Additionally, the applicant specified that a total of 305 acres were available to the applicant for surface mining operations. In referencing current tax lot information available from ORMAs (Enclosure 1), tax lots 302 and 303 include 306.87 acres.

In 1989 after jurisdiction was transferred back to DOGAMI, the permittee was issued an Operating Permit and has maintained the permit since that time. Based on multiple DOGAMI transfer application forms and site maps, it appears that DOGAMI has recognized only tax lot 302 as the DOGAMI permitted area. Based on this information, it appears that the DOGAMI Operating Permit covered 287.37 acres.

#### Land Ownership

Per the 2009 DOGAMI Transfer Application, it appears that the DOGAMI Permittee is also the Landowner and Mineral Estate owner.

c: Umatilla County Planning Department

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### *Land Use*

In referencing a Umatilla County Road Department letter (dated June 18, 1984) available within the DOGAMI file, "A call to the County Planning Department has confirmed that a zoning permit was issued ... on February 3, 1981".

Prior to the site visit, DOGAMI contacted Robert Waldher, Senior Planner at Umatilla County, and requested and received land use documentation for the site. Per the Findings and Conclusions of Law document (Enclosure 2), Umatilla County approved surface mine operations on February 11, 1981. The site description within the county land use document specifies T14S, R16E, Section 5, tax Lot 100 as the area approved for surface mining. Additionally, the Conditional Use approval specifies "Tax Lot 302, Assessor's Map 5N 29D, 287.37 acres fronting the south side of Highway 730 and the north side of the Union Pacific Railroad tracks, approximately 6½ miles east of the Umatilla city limits".

Based on the above mentioned information, DOGAMI has determined that the DOGAMI Operating Permit boundary appears to coincide with the area approved by the county for surface mining.

### *Survey Information*

A survey map is not required for this site at this time.

### *Operating Plan*

A 50-foot setback must be maintained from the excavation area to the property lines. A minimum setback of ¼ mile (1320 feet) must be maintained for processing and stockpiling of material to the property lines.

No mining will occur below groundwater and no dewatering is allowed under this permit.

### *Reclamation Obligation*

The following information is a summary of the reclamation activities specified by the permittee in the 2003 Operating and Reclamation Plan. There are no site conditions currently associated with this site. DOGAMI uses the reclamation requirements when evaluating the adequacy of the reclamation security liability.

The planned subsequent beneficial use of the permit area is range/open space. There is little to no soil or overburden available at the site for reclamation therefore all available soil and overburden must be salvaged, stockpiled, and stabilized for final reclamation purposes.

Per the 2003 Reclamation Plan, the average depth of soil replaced on the area to be reclaimed is 2 feet however in referencing the Umatilla County Surface Mining Operating Permit Conditions it appears that when the site was permitted, the topsoil was to be replaced to a minimum depth of 2 inches then seeded. The county permit condition also specifies that "reclamation of the floor area is considered most vital and therefore more soil should be placed there if available".

Processing and stockpile areas will be disced and seeded using a commercial seeder. The type and species of seeds/plants will consist of natural vegetation as recommended by the commercial seeder. Nitrogen will be used as a fertilizer with quantities to be determined by soil testing. Wheat or oats will be used to control erosion therefore no mulch or netting will be required.

All rip rap will be sold off site and/or used for landscaping.

Final excavated slopes will be 1½H:1V or flatter. Final fill slopes will be 2H:1V or flatter.

### **COMPREHENSIVE SITE REVIEW**

DOGAMI was unaccompanied on this site inspection. The permittee was contacted in advance of the site visit and permission to access the site was granted. The inspection was scheduled to assess and inspect general site conditions. The weather at the time of the inspection was clear, warm, and dry.

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### *Site Conditions*

In referencing a July 21, 2010 aerial photo (Enclosure 3), it appears that approximately 3 acres are disturbed by mining related activities.

The site is operating via sidehill cut. The overall height of the quarry highwall appeared to be approximately 15 feet and consists of columnar basalt overlain by minor soils and overburden materials (Enclosure 4). The overburden materials exposed in portions of the excavated highwall appeared to range in thickness between 0 and 0.2 feet and consist primarily of sedimentary materials including silt and sand. The quarry highwall appeared to have an overall sloping configuration of approximately 2H:1V and consist of a single developed highwall.

At the time of the site visit, DOGAMI observed overburden and soil materials to have been stockpiled at various locations throughout the site. The materials were observed to be vegetated with a variety of grasses and shrubs and appeared stable. The site was notably clean and orderly and DOGAMI would like to commend the permittee on a well maintained site.

As mining related activities continue to proceed at this site, topsoil, subsoil, and overburden materials should be kept on site for final reclamation purposes. The salvaged materials should be sloped at 2H:1V, seeded annually or otherwise secured against erosion from wind or rain. Retaining all soil and overburden onsite will allow for a lower reclamation security by avoiding the need to include the cost of importing material to accommodate reclamation.

### *Storm Water*

This site is not covered under DEQ's NPDES 1200-A Storm Water Permit. Storm Water Best Management Practices to internally contain and drain storm water on-site were observed via sloping, graveled roads and floors, vegetation, and infiltration (Enclosure 4). It appeared that with the exception of significant precipitation events, storm water infiltrates directly into the fractured rock within the quarry slopes and floor.

The majority of the quarry floor appeared to be sloped toward the northeast such that potential storm water runoff that accumulates on the quarry floor appeared to drain to low lying areas near the base in slope. In the remaining areas of the quarry including the stockpile area, the floor was observed to consist of highly fractured rock and appeared effective in containing storm water on site. No storm water was observed discharging off site and no evidence of storm water erosion was observed, therefore no storm water problems were identified at the time of the inspection.

### *Reclamation Security*

The reclamation security for any operation must be based on the actual reclamation cost that DOGAMI would have to pay to contract for reclamation of the disturbed area to the standards outlined in the reclamation plan. At aggregate sites where reclamation is straightforward, DOGAMI calculates reclamation security amounts at the rate of \$3,000 for the first acre and \$1,000 for each additional acre of disturbance. Using the above described cost estimations and the determination that 3 acres are currently disturbed at the site, the current reclamation security of \$4,000 is deemed adequate at this time.

### *Permit Compliance*

At this time, the site remains in compliance with DOGAMI's Operating Permit. Please contact Bob Houston, Lead Reclamationist for all Eastern Oregon sites, at (541) 967-2080 with any questions.

Inspected by:

*Kelly Wood*

Kelly Wood  
Natural Resource Specialist  
Mineral Land Regulation & Reclamation  
Encl.

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