Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

MEMORANDUM

TO: Water Resources Commission

FROM: Thomas M. Byler, Director

SUBJECT: Agenda Item A, December 15, 2020
Special Water Resources Commission Meeting

Request for Decision on Petition for Rule Amendment or Rulemaking

I. Introduction

On October 5, 2020, the Water Resources Commission received a petition for rulemaking requesting the Commission to initiate rulemaking to restrict exempt uses of groundwater for stockwatering in the Ordnance Critical Groundwater Areas. In this agenda item, staff will provide background and recommend a course of action on the petition. The Commission will need to decide whether to deny the petition or accept it and direct the Water Resources Department to initiate rulemaking.

II. Petition for Rulemaking: Overview of Governing Law and Process

Relevant Law

Pursuant to ORS 183.390, an interested person may petition an agency to adopt, amend, or repeal a rule. The Attorney General has adopted a uniform rule, OAR 137-001-0070, to govern the submission, consideration, and disposition of petitions for rulemaking. Agencies must apply the uniform rule as written. According to OAR 137-001-0070, the petition must meet certain requirements. The petition must include the name and address of the petitioner and any other person known to the petitioner to be interested in the rule. The petition must also include facts or arguments of sufficient detail to show the reasons for and effects of adoption, amendment, or repeal of the rule. If a petitioner is requesting rule adoption, the petition must include the proposed language in full. If a petitioner is requesting amendment of an existing rule, the petition must set out the rule in full, with all proposed additions and deletions clearly indicated.

In addition, a petition requesting amendment or repeal of a rule must include comments on:

- Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;
- Continued need for the existing rule;
- Complexity of the existing rule;
- Extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and
- Degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the agency adopted the rule.

Required Actions
If a petition requests amendment or repeal of a rule, the agency must invite public comment before taking action to deny the petition. This invitation for public comment should specifically invite comment on whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

When reviewing a petition, the Commission must consider six factors (ORS 183.390):

- The continued need for the rule;
- The nature of complaints or comments received concerning the rule from the public;
- The complexity of the rule;
- The extent to which the rule overlaps, duplicates or conflicts with other state rules or federal regulations and, to the extent feasible, with local government regulations;
- The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule; and
- The statutory citation or legal basis for the rule.

Within 90 days of receipt of a petition for rule amendment or rulemaking, the agency must either deny the petition in writing or initiate rulemaking proceedings.

III. Background on Ordnance Basin Critical Groundwater Area

In 1976, in response to rapidly declining ground water levels in the Columbia River Basalt Group and alluvial aquifers located west of the Umatilla River near Hermiston, the Director of the Water Resources Department wrote an order establishing the Ordnance Basin Critical Groundwater Area (OCGWA). The area is roughly centered on the former Umatilla Ordnance Depot, located west of the Umatilla River near Hermiston and south of the Columbia River.

The OCGWA was established after public notification and subsequent public hearings during which the characteristics of the critical area were defined and pending applications for new appropriations reviewed. The resulting Findings, Conclusions and Order describe the location and characteristics of the OCGWA and close the alluvial and basalt aquifers to further permitted appropriation.

Although the Director closed the OCGWA to further permitted appropriations, the Director left exempt uses intact, perhaps due to the testimony of witnesses who commented that restricting the construction of additional exempt wells for stockwatering and for single family domestic purposes was too severe and would produce an unnecessary economic hardship for many individuals in the area. The resulting order specifies that further development of the alluvial or basalt aquifer systems is prohibited "by additional wells which are not exempt from filing for water rights in accordance with ORS 537.545." The Commission subsequently adopted a rule (OAR 690-507-0070(3)(a)) in the Columbia-Umatilla Plateau Subbasin basin rules to give effect to the Director's order.

IV. Overview of Petition

On October 5, 2020, Stand Up to Factory Farms (Petitioners) (a coalition comprised of Columbia Riverkeeper, Food & Water Watch, WaterWatch of Oregon, Friends of Family Farmers, Center for Food Safety, Center for Biological Diversity, Farm Forward, Animal Legal Defense Fund, Humane Voters Oregon, Friends of the Columbia Gorge, and Oregon Rural Action) submitted a petition for the Commission to conduct rulemaking. A complete copy of the petition is contained in Attachment 1.

The Petitioners request the Commission "prohibit new or expanded exempt uses for stockwatering in the Ordnance CGWAs" through amendment, by rule, of the Commission's Order dated April 2, 1976. The order is referenced in OAR 690-507-0070(3)(a) which states:

> (3) Groundwater: Appropriation and use of groundwater in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:
> (a) Groundwater resources of the basalt aquifer and shallow gravel aquifer within the Ordnance Critical Groundwater Area are closed to further appropriation by Order of the Director dated April 2, 1976;

The Petitioners seek an amendment of the order by rule as follows:

> Effective [date of Petition], the Ordnance Gravel Critical Ground Water Area and the Ordnance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the "stockwatering" exemption in ORS 537.545(1)(a).

V. Summary of the Nature of Public Comments and Concerns

The Department invited public comment on the petition, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses. The Department received 1,088 comments as of 5:00 PM on December 1, 2020. A complete list of commenters is contained in Attachment 2. Comments submitted after December 1 were not considered by the Department in formulating the recommendations contained in this report. A complete copy of each public comment received is accessible for download from the Department's file pick-up site: http://filepickup.wrd.state.or.us/files/Ordnance%20CGWA%20Rule%20Petition%20Comments/.

Comments in Support of the Petition

The Department received 1,084 comments in support of the petition, including three comments from organizations or coalitions (WaterWatch of Oregon, the Petitioners, and Friends of Family Farmers) and one comment from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Many comments in support of the petition were form comments. Samples of form comments and unique comments, as well as comments from the CTUIR and organizations identified above are included in Attachment 3. Comments in support of the petition highlighted the following concerns:

- There is a threat of significant new exempt stockwatering in the OCGWA;
- Regulation is complicated and costly, and if regulation was a solution for addressing new uses there would be no need for critical orders to preclude new permits;
- Due to the complexity of connections between water-bearing zones, mitigation agreements are not sufficient to address new exempt stockwatering uses;
- There is public sentiment in support of closing the stockwatering exemption "loophole" statewide;
- The stockwatering exemption is outdated;
- The animal agriculture industry has changed significantly since the 1976 order was adopted, from small farms with animals dispersed on pasture to large mega-dairies with tens of thousands of confined animals;
- Limitation of the stockwatering exemption would provide more certainty to existing, permitted water users by preventing unregulated and unmeasured withdrawals from already declining aquifers;
- Presence and expansion of stockwatering operations create the potential for exempt use to displace authorized uses;
- Mega-dairies are particularly water intensive and pose a danger to Oregon's precious water resources;
- Mega-dairies are exploiting an exemption originally intended for use by small farmers;
- Small dairy farmers are struggling, and these farmers are often better stewards of the land than mega-dairies;
- Mega-dairies pose other related environmental threats, such as methane emissions and contamination of water from bacteria and toxins;
- Mega-dairies are inhumane, and less water should be used for meat production and animal agriculture;
- Corporations and other outside interests should not take Oregon's water;
- Oregon is at risk of repeating water management mistakes made in other states, such as Arizona;
- Well drilling contractors are drilling stockwater wells which are then used for other purposes.

Comments in Opposition to the Petition

The Department received four comments in opposition to the petition. Umatilla County, Morrow County, City of Boardman, City of Irrigon, City of Hermiston, Port of Umatilla, Port of Morrow, and Northeast Oregon Water Association submitted a Regional Group letter in opposition to the petition. Morrow County and the City of Irrigon also submitted separate letters highlighting additional concerns with the petition. The Oregon Cattleman's Association, the Oregon Farm Bureau Federation, and the Oregon Dairy Farmers Association (self-identified "Agriculture Groups") submitted a letter in opposition to the petition. Copies of letters in opposition to the petition are included in Attachment 4. Comments in opposition to the petition expressed the following concerns:

- The petition and proposed rulemaking could set undesirable precedent for water management in the region;
- The purpose of the petition is to target a specific agricultural industry;

- The petition attempts to preempt local land use planning and is contrary to ORS 215.230 and Umatilla and Morrow County Comprehensive Land Use Plans and their respective Zoning Codes;
- If the petition is approved, resources would be diverted from long-term sustainability efforts and investments;
- Regulatory impacts that prevent the Mid-Columbia region from sustaining its natural resource economy are a major concern;
- Additional regulations should be vetted by peer-reviewed science and consider impacts to property rights and the region's economy;
- Efforts to regulate could result in negative impacts to the region's multi-biennial water sustainability efforts and the partnerships and stakeholder investments made to date.
- Any change to the CGWAs should follow amendment to the local comprehensive plan.
- Proposed rule change would be in direct conflict with ORS 30.930, Oregon's Right to farm law, and would entitle landowners to notice (pursuant to Measure 56) and just compensation (pursuant to Measure 49).
- Petition is not requesting a rule amendment but is instead requesting a change to the Ordnance CGWA designation itself and the Commission must follow the process set forth in statute for designation of a CGWA, if the Commission wishes to make the requested change.
- Petition requests the Commission to take action that is outside its statutory authority.
- The Department already has the authority to regulate off junior exempt users of groundwater throughout the state.
- No large exempt uses of groundwater for stockwatering currently exist or are planned within the Ordnance CGWA.

VI. Consideration of the Petition

As outlined above, when reviewing a petition, the Commission must consider the six factors in ORS 183.390. These factors are considered below in the Department's evaluation of the petition.

The nature of complaints or comments received concerning the rule from the public

The Department has outlined the nature of the comments in support and in opposition to the rulemaking petition above. In addition, the petition is attached for the Commission's review. In brief, comments in support identify concerns over the sustainability of use of exempt groundwater for stockwatering purposes at Confined Animal Feeding Operations (CAFO) and other issues as noted above and in the attachments. Comments in opposition identified concerns related to land use coordination, legal authority, targeting a sector of the agricultural industry, and other issues as noted above and in the attachments. These comments are further considered below.

The extent to which the rule overlaps, duplicates or conflicts with other state rules or federal regulations and, to the extent feasible, with local government regulations

The Oregon Water Resources Commission establishes the state's water resources policy for the state and directs the policies for the operation of the Department in a manner consistent with the state's land use coordination laws among other authorities. Accordingly, the Commission will want to carefully consider comments by local governments that assert conflicts between the proposed rule amendment and acknowledged comprehensive use plans.

Any rulemaking action would need to be conducted in conformance with Commission's land use coordination rules, and associated laws and the Department's State Agency Coordination Program.

The complexity of the rule
The rule proposed by the petitioners appears to be simple; however, as stated in other sections of this analysis the proposed rule does not appear to accomplish the petitioner's objectives and would generate legal complexity. Further, the process to achieve petitioner's goals would likely require a rulemaking and contested case proceeding, as well as a significant investment of time in land use coordination.

The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule
In 1976, when the OCGWA was first established, there were fewer, if any, confined animal feeding operations within the subbasin. Today, the basin is home to large operations that confine hundreds to thousands of animals within one location. These changed agricultural practices are focusing new attention on groundwater management as it may accommodate these relatively new uses in the basin.

The continued need for the rule
The Department is well aware of efforts in recent years to develop a large dairy operation in the Morrow County area. The Department agrees that new large uses of groundwater in the OCGWA would not support sustainable groundwater levels and has advised potential new users to refrain from using the stockwater exemption for their long-term water supplies. Toward that end, earlier this year the Department considered initiating a rulemaking for similar purposes to that proposed by the petitioners. Ultimately, the Department elected to not initiate rulemaking for two interconnected reasons, which are also two of the three reasons the Department proposes for denial of this petition.

Need for Rule Not Immediate
First, it appears there is minimal risk of new significant uses of the groundwater exemption for stockwatering in the OCGWA. The Department understands that potential operators of proposed new confined animal feeding operations in the area do not plan to use the exemption for their operations and are actively pursuing other viable long-term water supply options that would not create significant new demands on groundwater resources.

Any proposed operations must secure CAFO permits before they can begin operations. The Department is working closely with the Departments of Agriculture and Environmental Quality - the CAFO permitting agencies - to ensure the CAFO process and parallel efforts to obtain long-term water supplies are well synchronized. The CAFO process was recently updated to better ensure critical aspects of the operation are in place before animals are brought to the facility. This includes issuance of CAFO permits in a phased approach, with issuance of occupancy approvals based on operators first obtaining long-term water supplies for the watering of stock and the operation of their facilities.

Other Competing Needs for Department Workloads and Priorities
Second, given that there are no indications of proposed new, large-scale uses of the groundwater exemption for stockwatering in this area, the Department decided to not shift its limited staff capacity from other existing priorities. The Department has made commitments of staff resources to address important priority groundwater management issues in several areas, including the Harney, Walla Walla, Klamath, and Deschutes basins. In addition, the Department has several rulemakings currently underway or soon to be initiated, and key staff will also be occupied with the 2021 legislative session and beginning work on the Integrated Water Resources Strategy Update. Taking on the rulemaking requested by the petition would re-direct staff from these efforts and likely result in delays to carrying out important work.

It is worth noting that since the Department's decision to not initiate rulemaking earlier this year, the agency's staff capacity became more limited when the Oregon Legislature cut the agency's General Fund budget by ten percent in August. The budget reduction makes it even more challenging to maintain services and commitments in many program areas. In sum, the Department does not see an imminent risk of diminished groundwater resources in the area that warrants a change in agency priorities and staff workload commitments.

The statutory citation or legal basis for the rule
The Department believes that addressing the policy concerns asserted in the petition would necessitate rulemaking proceedings pursuant to ORS 537.545 and/or basin program plan reclassifications or amendments pursuant to ORS 536.300 *et seq*.

Any rulemaking, including amendment of the basin program rules would only affect prospective uses of water. Because future rulemaking cannot restrict existing uses, the Department believes that restricting existing exempt uses would also likely require the processes in ORS 537.742 including holding a contested case. Both tasks would require the commitment of significant agency resources, staff time, technical and legal support.

VII. Conclusion
Restricting existing exempt groundwater uses for stockwatering within the OCGWA requires a different and more labor-intensive process that would likely include a contested case hearing, in addition to a rulemaking to limit new uses. While Department staff believe the OCGWA and other critical areas in the Columbia-Umatilla Plateau Subbasin deserve more attention, this is best carried out through a collaborative process with the local community and water users as well as broader stakeholder interests, and with possibly a broader scope than the narrow issue presented in the petition. Longer-term, staff believe future discussion is warranted to determine where such a process would fit in the agency's workload priorities. In the near term, however, staff recommend denying the petition.

VIII. Alternatives

1. Deny the petition in writing.
2. Deny the petition in writing and direct Department staff to consider this issue in future priority-setting discussions.
3. Initiate rulemaking proceedings.

IX. Recommendation

The Director recommends Alternative 2.

Attachments:

1. Petition for Rulemaking
2. Complete List of Commenters
3. Excerpts and Examples of Comments in Support
4. Letters in Opposition

Director Byler
(503) 986-0910

Breeze Potter
(503) 986-0874

BEFORE THE OREGON WATER RESOURCES COMMISSION
PETITION FOR RULE AMENDMENT

I. INTRODUCTION

The undersigned conservation, family farm, public health, rural advocacy, animal welfare, and wildlife protection organizations (Petitioners)—on behalf of themselves and their thousands of members and supporters in the State of Oregon—file this Petition for Rule Amendment (Petition) pursuant to ORS 183.390(1), OAR 137-001-0070, and OAR 690-001-0005, to request that the Oregon Water Resources Commission (Commission) amend its 1976 Findings, Conclusions, and Order on the Question of Determination of a Critical Ground Water Area in the Ordnance Area, Morrow and Umatilla Counties, Oregon (Order) to prohibit, as of the date of this Petition, new or expanded use of groundwater in excess of 5,000 gallons per day under the stockwatering exemption[1] in the Ordnance Basalt Critical Groundwater Area (Basalt CGWA) and the Ordnance Gravel Critical Groundwater Area (Gravel CGWA) (collectively, Ordnance CGWAs).[2]

II. PETITIONERS

Stand Up to Factory Farms is an Oregon-based coalition of local, state, and national organizations concerned about the harmful impacts of mega-dairies[3] on Oregon's family farms, communities, environment, and animal welfare. Among our concerns about new and expanding mega-dairies are significant new uses of groundwater that the Order currently allows under the stockwatering exemption to state permitting requirements, which allows new groundwater permits in groundwater-restricted areas otherwise closed to new groundwater permits, and prevents the new uses from being reviewed for impacts to public welfare, safety, and health.[4]

Stand Up to Factory Farms comprises the following organizations: Columbia Riverkeeper, Food & Water Watch, WaterWatch of Oregon, Friends of Family

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[1] ORS 537.545(1)(a). This petition does not propose to limit other exempt uses, such as use for "domestic purposes" including "domestic animal consumption." ORS 537.545(1)(d); OAR 690-300-0010(14). The proposed limit of 5,000 gallons per day is the same as the limit for exempt industrial and commercial use. ORS 537.545(1)(f).

[2] OR. WATER RES. DEP'T, FINDINGS, CONCLUSIONS, AND ORDER ON THE QUESTION OF DETERMINATION OF A CRITICAL GROUND WATER AREA IN THE ORDNANCE AREA, MORROW AND UMATILLA COUNTIES, OREGON 60 (Apr. 2, 1976) (Order) (stockwater exemption applies in Gravel CGWA); *id.* at 64 (stockwater exemption also applies in Basalt CGWA).

[3] Stand Up to Factory Farms defines a "mega dairy" as a dairy having 2,500 or more cows.

[4] ORS 537.545(1)(a); ORS 537.621(2) (describing groundwater permit review).

Farmers, Center for Food Safety, Center for Biological Diversity, Farm Forward, Animal Legal Defense Fund, Humane Voters Oregon, Friends of the Columbia Gorge, and Oregon Rural Action. Collectively these groups represent millions of members and supporters nationwide, including over 100,000 in Oregon.

III. REQUEST TO THE COMMISSION

Petitioners request that the Commission prohibit new or expanded exempt uses for stockwatering in the Ordnance CGWAs, effective as of the date of this Petition.

Currently, the Order at page 60 states:

> To properly provide for the public welfare, safety, and health, the rights to appropriate ground water and priority therefore must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this, further development of the alluvial aquifer system must be prohibited within the **Ordnance gravel** ground water area by additional wells except for those which are exempt from filing for water rights in accordance with ORS 537.545:
>
> " * * * for stock-watering purposes, . . . * * * *"

At page 64 it similarly states,

> To properly provide for the public welfare, safety, and health, the rights to appropriate ground water from the deep and shallow ground water zones within the basalt formation within the **Ordnance basalt** ground water area as delineated in Plate 1 must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this further development of the shallow or deep aquifer system must be prohibited within the basalts of the delineated area by additional wells which are not exempt from filing for water rights in accordance with ORS 537.545.

Petitioners request that the Commission amend the Order by rule to limit further development of groundwater in the Ordnance CGWAs under the stockwatering exemption, thereby requiring significant new or expanded livestock operations in the CGWAs to use a source other than groundwater or go through a transfer process to use existing groundwater rights (provided it can be done without injury to existing uses and otherwise in compliance with law). Pursuant to OAR 137-001-0070(1)(a), Petitioners attach the existing Order hereto as Attachment A

and propose to add the following, by rule, as additional language at the end of the Order:

> Effective [date of Petition], the Ordnance Gravel Critical Ground Water Area and the Ordnance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the "stockwatering" exemption in ORS 537.545(1)(a).

IV. COMMISSION AUTHORITY

The Commission is responsible for setting the policies for the operation of the Water Resources Department (Department),[5] and is authorized to formulate and implement an integrated, coordinated state water resources policy.[6] The Commission must "progressively formulate plans and programs to develop the water resources of the state and provide for the enforcement of state water policy[,]" which must, among other things, protect existing water rights and "protect and promote the general public welfare."[7]

The Commission must also, in accordance with the relevant portions of the Oregon Administrative Procedure Act, "adopt rules and standards" to perform its legal duties.[8] Since 1991, the Commission has been vested with authority to adopt rules designating critical groundwater areas,[9] including rules that restrict water use—even exempt water use—within such areas.[10] The Commission is also vested with authority to amend any such rules.[11]

An interested person may petition the Commission to promulgate, amend, or repeal a rule designating a critical groundwater area.[12] The Commission has 90 days to either deny the petition in writing or initiate the requested rulemaking.[13] In reviewing a petition the Commission shall consider, among other things, options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses; the continued need for and complexity of the existing rule;

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5 ORS 536.025(1).

6 OAR 690-400-0000(2) (citing ORS 536.220).

7 *Id.*

8 ORS 536.027. The Commission is specifically tasked with adopting and enforcing rules necessary to carry out the provisions of the Ground Water Act of 1955. ORS 537.780(1)(h); *see* ORS 537.505.

9 ORS 537.730(1); *see* ORS 183.335. Prior to 1991, the Director of the Department could declare a critical groundwater area by order. *See* ORS 537.735(1) (1957). The Director could also amend such orders. *See id.* 537.740(2) (1957).

10 ORS 537.735(3)(a), (d); ORS 690-250-0130.

11 ORS 183.335; OAR 690-001-0000.

12 ORS 183.390.

13 ORS 183.390(1).

the extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; the nature of any complaints or comments received from the public about the rule; and the degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule.[14] The Commission may restrict groundwater use in an area where it has substantial evidence to justify the restriction.[15]

V. FACTUAL BACKGROUND

A. The Order

In 1976, the Director of the Department issued the Order—pursuant to the Groundwater Act of 1955[16]—designating the Ordnance CGWAs.[17] Both CGWAs are located in a region near the town of Ordnance, Oregon[18] and within portions of Morrow and Umatilla Counties.[19] The Director issued the Order "[t]o properly provide for the public welfare, safety, and health"[20] and to address groundwater level declines in the region.[21] The Basalt CGWA protects the Columbia River Basalt Group Aquifers, and the Gravel CGWA protects a shallow sand and gravel aquifer.[22]

The Order "prohibited new permitted uses in the [] Basalt CGWA and curtailed existing permitted uses in the [] Gravel CGWA to protect senior groundwater users."[23] But the Order specifically allowed for new exempt uses, which do not require a water appropriation permit.[24] One such exempt use is for stockwatering, which allows limitless extraction.[25]

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14 ORS 183.390(3); OAR 137-001-0070, 690-001-0005.

15 ORS 537.780(2)(a).

16 Memorandum from Justin Iverson & Brenda Bateman to the Comm'n 1 (Mar. 15, 2018) (Memorandum). In 1976, the Director could declare a critical groundwater area by order. and could also amend such orders. *See* ORS 537.735(1), 537.740(2) (1975).

17 *See* Order, *supra* note 2.

18 Ordnance is a ghost town today. *See, e.g.*, Jade McDowell, *Lost city*, EAST OREGONIAN (May 12, 2018), https://www.eastoregonian.com/news/local/lost-city/article_cc3bdb02-5671-5517-a9f3-19d1b31c9d54.html.

19 Order, *supra* note 2; Memorandum, *supra* note 15, at Attachs. 5 & 6.

20 Order, *supra* note 2, at 60.

21 Memorandum, *supra* note 15, Attachs. 5 & 6; Letter from Mike Ladd to Greg te Velde (Feb. 5, 2016) (Ladd Letter) at 1 (noting that the Order was issued because "significant groundwater level declines indicated annual consumptive use exceeded natural recharge of the groundwater systems"). The Ladd Letter is attached hereto as Attachment B.

22 Memorandum, *supra* note 15, Attachs. 5 & 6.

23 Letter, *supra* note 20, at 1.

24 Order, *supra* note 2, at 60; *see* OAR 537.545 (enumerating exempt uses).

25 OAR 537.545(1)(a).

B. History and Current Status of the Animal Agriculture Industry in the Critical Groundwater Areas

Much has changed in the animal agriculture industry—and in the dairy industry more specifically—since the Director issued the Order more than four decades ago. For example, in 1974, there were 216 farms in Morrow County with cows and calves.[26] By 2017, there were only 160.[27] Though the number of farms plummeted, the number of animals increased dramatically. In 1974, the county had 38,258 total cows and calves.[28] By 2017, the county had 149,340 total cows and calves.[29]

The largest increase in the total number of cows and calves in the county occurred between 1997 and 2002, when the total number went from 50,282 to 106,301 total cows and calves.[30] This increase coincides with the introduction of mega-dairies—large-scale concentrated animal feeding operations (CAFOs) that confine thousands of cows to produce milk—to the region in the late 1990s.[31]

1. Mega-Dairy Water Consumption in the Ordnance CGWAs

Today, there are three mega-dairy sites within the Ordnance CGWAs: Sage Hollow Ranch (Sage Hollow), Meenderninck Dairy (Meenderninck), and the site of the former Lost Valley Farm (Lost Valley). Threemile Canyon Farms (Threemile)—the largest mega-dairy in Oregon and in all of the United States[32]—is also located in Morrow County, though it lies just outside the Ordnance CGWAs. It is permitted to confine just over 90,000 cows on its 93,000-acre property.[33]

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[26] USDA, 1974 CENSUS OF AGRICULTURE – COUNTY SUMMARY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib.cornell.edu/usda/AgCensus Images/1974/01/37/306/Table-12.pdf (1974 Census).

[27] USDA, 2017 CENSUS OF AGRICULTURE – COUNTY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib.cornell.edu/usda/AgCensusImages/ 1974/01/37/306/Table-12.pdf (2017 Census).

[28] 1974 Census, *supra* note 26.

[29] 2017 Census, *supra* note 27.

[30] *Compare* USDA, 1997 CENSUS OF AGRICULTURE – COUNTY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib.cornell.edu/usda/AgCensus Images/1997/01/37/1600/Table-14.pdf, *with* USDA, 2002 CENSUS OF AGRICULTURE – COUNTY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib. cornell.edu/usda/AgCensusImages/2002/01/37/1704/Table-11.pdf.

[31] *See, e.g.*, Letter from Meenderninck Dairy to Bureau of Land Management 2, https://olis.leg.state.or.us/liz/2015r1/Downloads/CommitteeMeetingDocument/66978 (last visited Aug. 19, 2020) (noting Meenderninck Dairy was established in 1999).

[32] Bruce Shultz, *Dairy producers need pricing overhaul plan*, SYDNEY DAILY NEWS (Aug. 5, 2020), https://www.sidneydailynews.com/news/agriculture/ 182277/dairy-producers-need-pricing-overhaul-plan.

[33] OR. DEP'T OF AGRIC., AFO Spreadsheet (Aug. 10, 2020) (on file with author).

All industrial animal agriculture facilities consume vast quantities of water, but publicly available groundwater data reveal that mega-dairies are particularly water-intensive, requiring even more water than cattle feedlots.[34] The continued expansion of industrial dairy facilities, specifically, within the Ordnance CGWAs has exploited and will continue to exploit the aquifers.

2. Lost Valley Farm

The Lost Valley Farm mega-dairy was particularly destructive to groundwater resources. Greg te Velde opened Lost Valley—on a site only twelve miles from Threemile[35]—in 2017 after receiving a CAFO permit (technically a permit under the federal Clean Water Act) from the Oregon Department of Agriculture (ODA) and the Oregon Department of Environmental Quality (DEQ) to house up to 30,000 cows.[36] Lost Valley was located within the Basalt CGWA and, based on proximity, appears to have drawn water from two wells located within the Ordnance and one well just outside; these wells are MORR52293 and MORR52393, and MORR52351, respectively.

Lost Valley was a regulatory disaster from the start, as it spilled manure and other waste and violated its CAFO permit more than two hundred times.[37] While it is no longer operational, a new owner is in the process of obtaining permits to reopen the site at nearly the same capacity as the former Lost Valley.

In 2016, the Department sent a letter to Greg te Velde, informing him of groundwater conditions in the area and the potential for resource harm.[38] First, the

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[34] *See, e.g.* ONTARIO MINISTRY OF AGRIC., FOOD AND RURAL AFFAIRS, *Water Requirements of Livestock* (January 2019), http://www.omafra.gov.on.ca/english/engineer/facts/07-023.htm.

[35] FOOD & WATER WATCH ET AL., PUBLIC COMMENTS ON PROPOSED NPDES PERMIT FOR LOST VALLEY RANCH CAFO 14 (Aug. 4, 2016), http://www.friendsoffamilyfarmers.org/wp-content/uploads/2016/08/FWW-et-al.-Lost-Valley-Ranch-NPDES-Comments-2.pdf.

[36] *See* Animal Waste Management Plan for Lost Valley Farm (July 5, 2017) (on file with author).

[37] *See, e.g.*, Leah Douglas, *Lost Valley debacle leads to effort to limit mega-dairies in Oregon*, OREGON LIVE (Apr. 5, 2019), https://www.oregonlive.com/business/2019/04/lost-valley-debacle-leads-to-effort-to-limit-mega-dairies-in-oregon.html; Tracy Loew, *Oregon megadairy Lost Valley Farm fined $187,320 for 224 environmental violations*, STATESMAN JOURNAL (Oct. 16, 2018), https://www.statesmanjournal.com/story/tech/science/environment/2018/10/16/oregon-megadairy-lost-valley-farm-fined-environmental-violations/1659452002/; Tracy Loew, *Oregon sues to shut down new mega-dairy, citing repeated manure spills*, STATESMAN JOURNAL (Mar. 1, 2018), https://www.statesmanjournal.com/story/tech/science/environment/2018/02/28/oregon-sues-shut-down-new-mega-dairy-citing-repeated-manure-spills/381225002/.

[38] Ladd Letter, *supra* note 20, at 1.

letter noted that the Lost Valley site is located within the Basalt CGWA and less than one mile from the Gravel CGWA.[39] Second, the letter explained that the total groundwater use within the Basalt CGWA in 2014 was documented as approximately 3,000 acre-feet per year, and that the groundwater levels were declining at a rate of two feet each year.[40] "This indicates that the groundwater resource is beyond its capacity, is sensitive to overdraft, and that a sustainable new use is not available without injury to senior groundwater users."[41] Finally, the letter explained that Lost Valley's dairy cows, who drink between 20 and 50 gallons of water per day, would lead to a 22% to 56% increase in groundwater use from the Basalt CGWA, which would be unsustainable.[42]

ODA and DEQ acknowledged that Lost Valley would be using "a large amount of water," but nonetheless decided to grant it a CAFO permit.[43] Despite being apprised of the delicate condition of the Basalt CGWA, Lost Valley exploited the stockwater exemption without informing the state or recording the wells, as required by law.[44] Lost Valley also continued to evade regulation of its water use despite the Department's repeated attempts.[45] Though it only reached one-third of its permitted size before it was shut down, Lost Valley was expected to eventually use close to one million gallons of water each day—without a water right—for its stockwatering.[46]

Indeed, a review of the publicly available groundwater data—in the form of water rights applications or registrations of exempt use wells under ORS 537.545 (5-7) and a total of 407 well reports within and surrounding the Ordnance CGWAs, including well reports containing the location, depth to water, type, and use of wells in and around the CGWAs—reveals that Lost Valley's water consumption was significantly greater than that of other industrial dairies in the Ordnance CGWAs,

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39 *Id.* at 1.

40 *Id.*

41 *Id.*

42 *Id.* at 2.

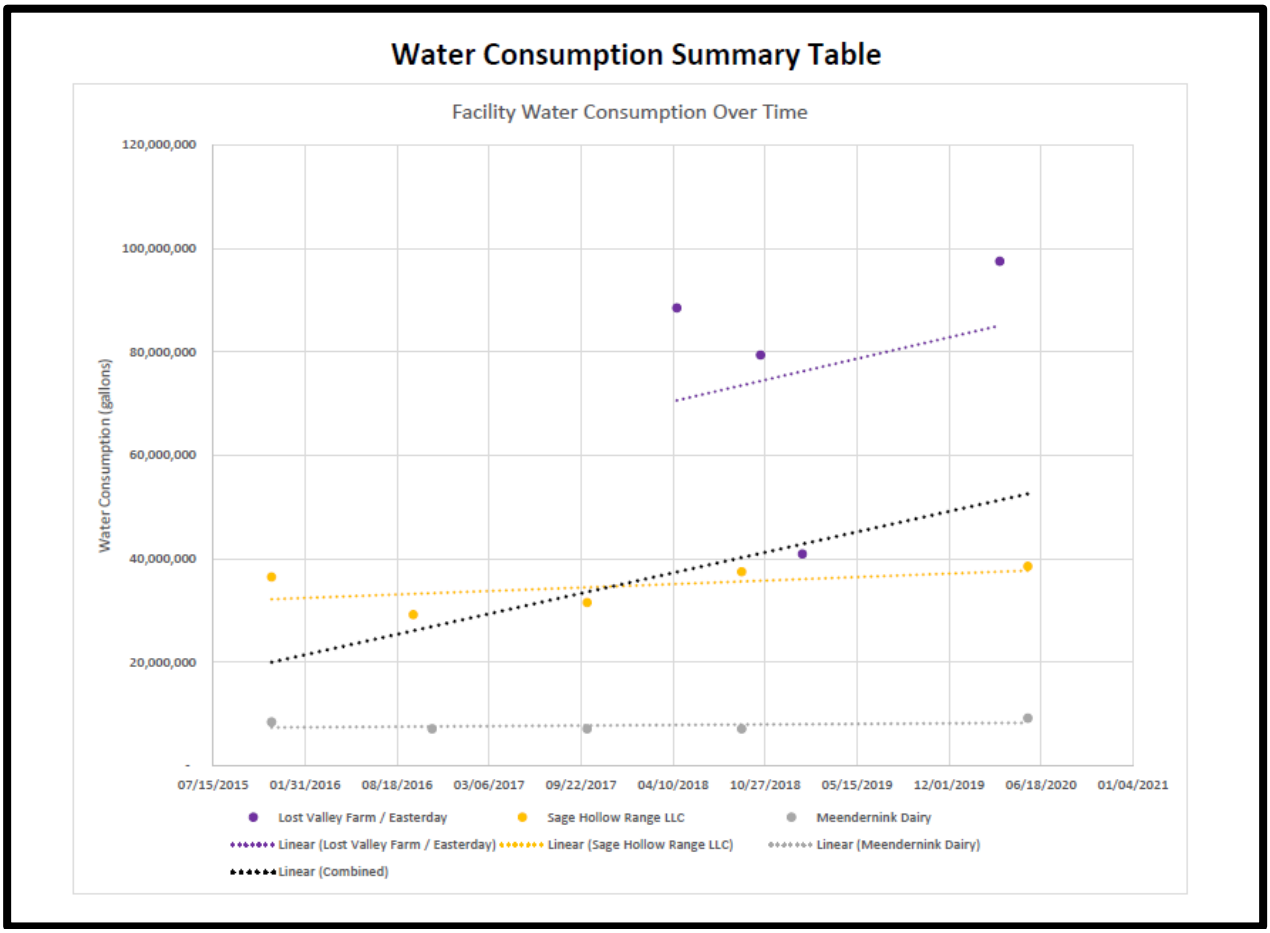
43 OR. DEP'T OF AGRIC. & OR. DEP'T OF ENVTL. QUALITY, FREQUENTLY ASKED QUESTIONS, LOST VALLEY FARM CAFO PERMIT 2, https://www.oregon.gov/oda/programs/naturalresources/documents/cafopublicnotices/lostvalleyfarm/lostvalleyfarmfaqs.pdf (last visited Aug. 19, 2020).

44 Tracy Loew, *State officials let mega-dairy use loophole to tap endangered Oregon aquifer*, STATESMAN JOURNAL (Mar. 22, 2018), https://www.statesmanjournal.com/story/tech/science/environment/2018/03/22/lost-valley-mega-dairy-oregon-used-loophole-tap-aquifier-allowed-state-officials/426738002/.

45 *See, e.g.,* OR. WATER RES. DEP'T, Overview of Water Rights Issues at Lost Valley Farm before the Senate Committee on Environment and Natural Resources 2, https://olis.leg.state.or.us/liz/2017I1/Downloads/CommitteeMeetingDocument/148858.

46 Lynne Terry, *Is Oregon Paving the Way for More Mega-Dairies?*, CIVIL EATS (June 13, 2019), https://civileats.com/2019/06/13/is-oregon-paving-the-way-for-more-mega-dairies/; Loew, *supra* note 43; Ladd Letter, *supra* note 20, at 3.

and indeed skewed the water consumption trends upward for the Ordnance CGWAs, overall:



By the Department's own estimates, a 30,000-cow dairy facility would use between 672 and 1680 acre-feet of water per year for stockwatering alone.[47] Thus, any future permitted facility with a herd of the same or greater size of Lost Valley's is likely to continue this outsized rate of water consumption—at the aquifer's expense.

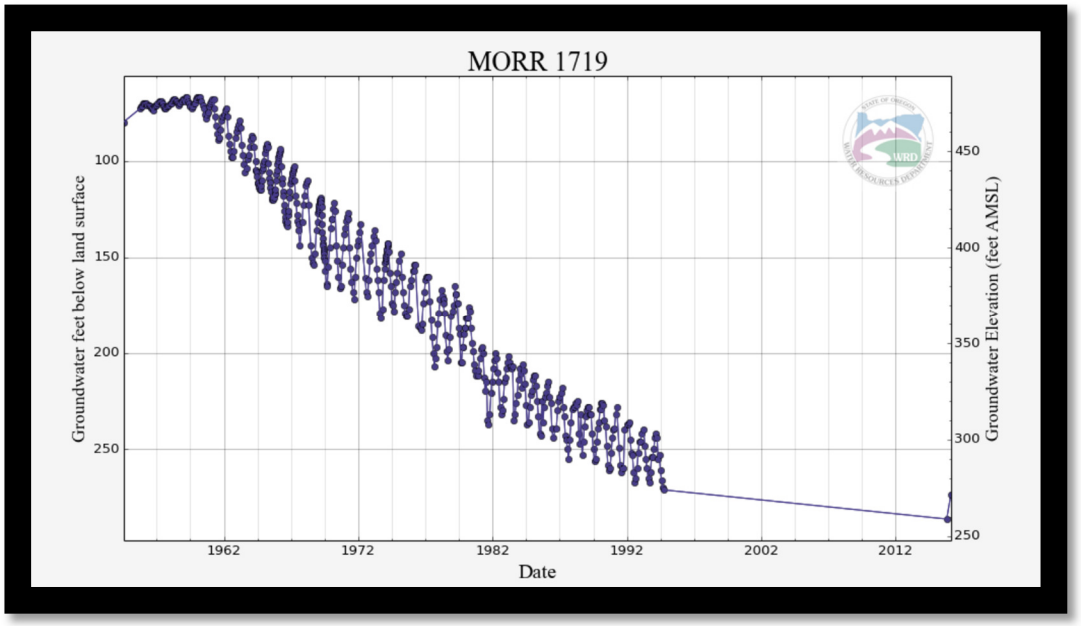
[47] Ladd Letter, *supra* note 20, at 2.

C. Current and Future Hydrogeological Status of the Ordnance CGWAs

Despite the Order's designation of the Ordnance CGWAs in 1976, "groundwater overdraft continues to be a significant issue . . . reflected in the decreasing water levels in wells" across the region.[48]

The Department is well aware that the "groundwater levels in the basalt are currently declining at a rate of about 2 feet per year" and that permitting a new CAFO would "represent a significant new use."[49] Indeed, published groundwater data from the Department indicate that groundwater levels in the Ordnance Deep Basalt aquifer—one of the Columbia River Basalt Group aquifers that the Basalt CGWA protects—have dropped more than 100 feet since 1976.[50]

Static water elevations confirm that water levels have fallen over time, and that overdraft of this aquifer is consistent and ongoing.[51] Published hydrographs from the Department[52] show the historical depletion of this aquifer:



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48 OR. STATE U. INST. FOR WATER AND WATERSHEDS, UMATILLA SUB-BASIN DATA SYNTHESIS AND SUMMARY 16–17 (July 4, 2006), http://www.co.umatilla.or.us/planning/pdf/Appendix%20M%20-%20Data%20Synthesis%20and%20Summary.pdf.

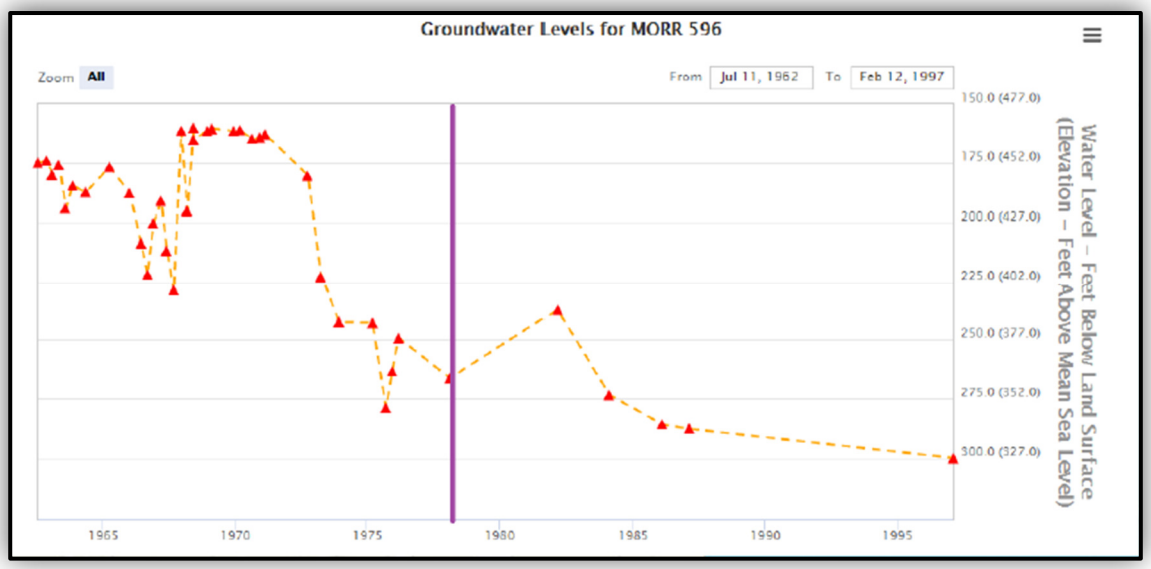
49 Ladd Letter, *supra* note 20, at 2.

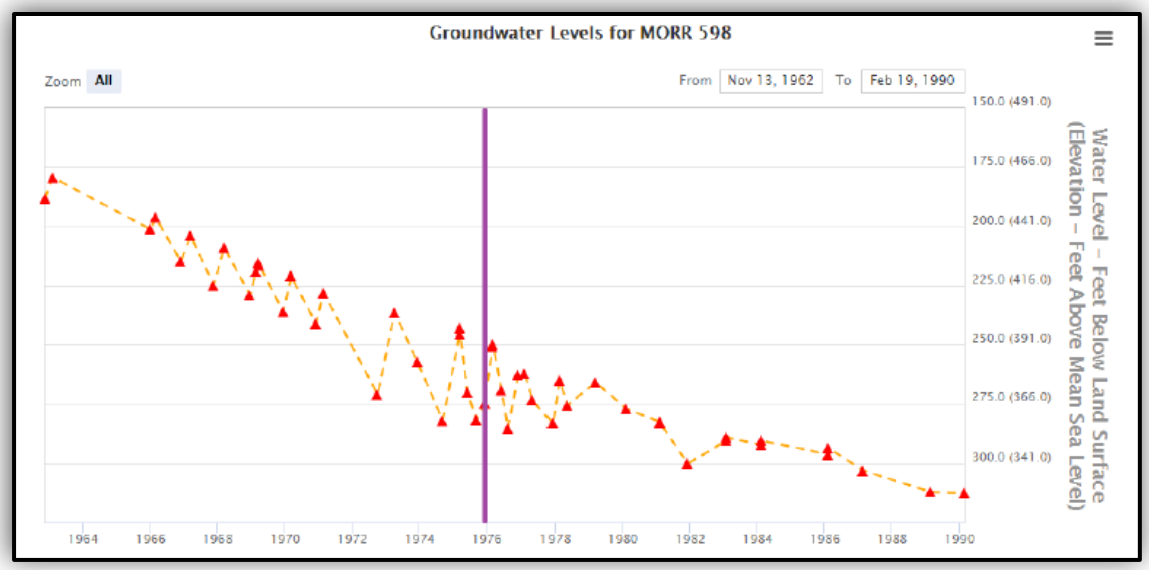
50 Memorandum, *supra* note 15, at Attach. 5. Data collected from groundwater wells confirm this, showing that the water table has decreased between 44 feet (MORR 1660) and 130 feet (MORR 598) since 1962.

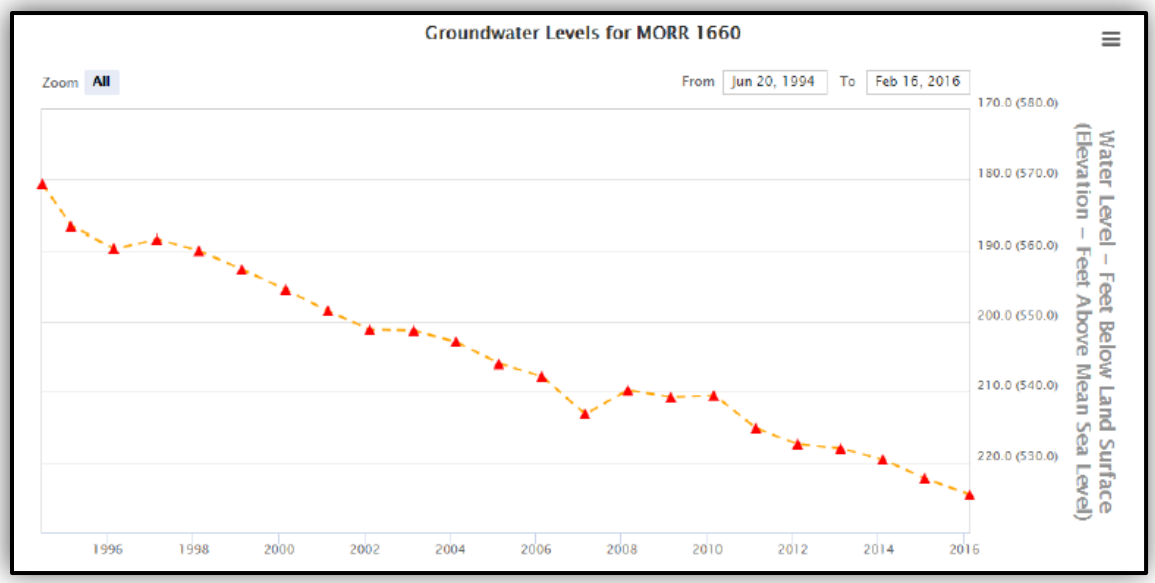
51 *Id.*

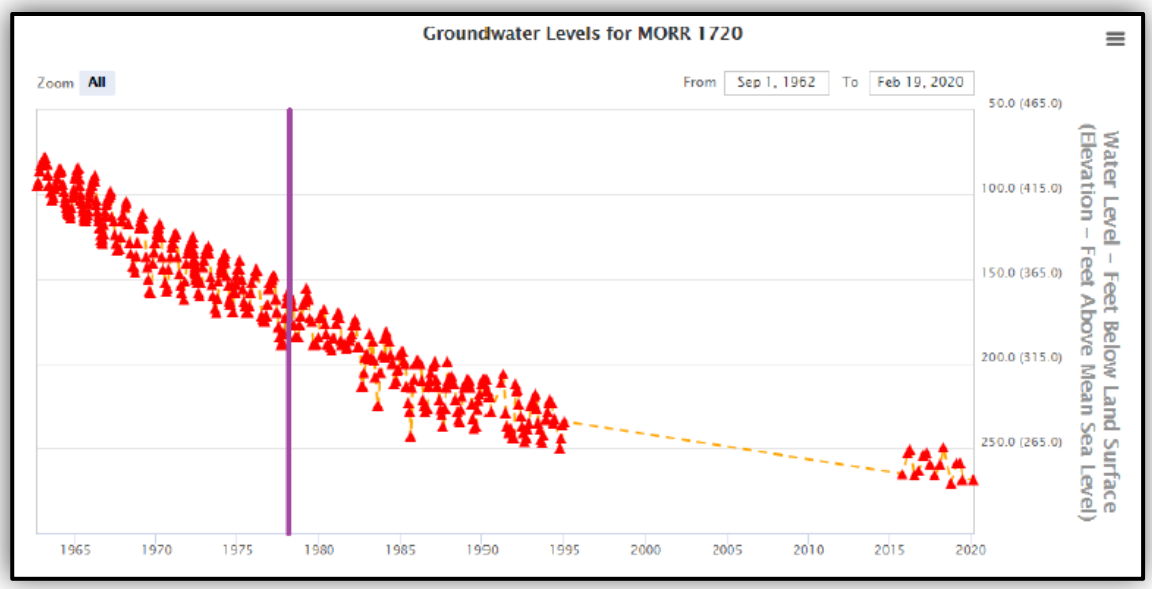
52 *Id.*

Individual wells within the Basalt CGWA tell the same story:

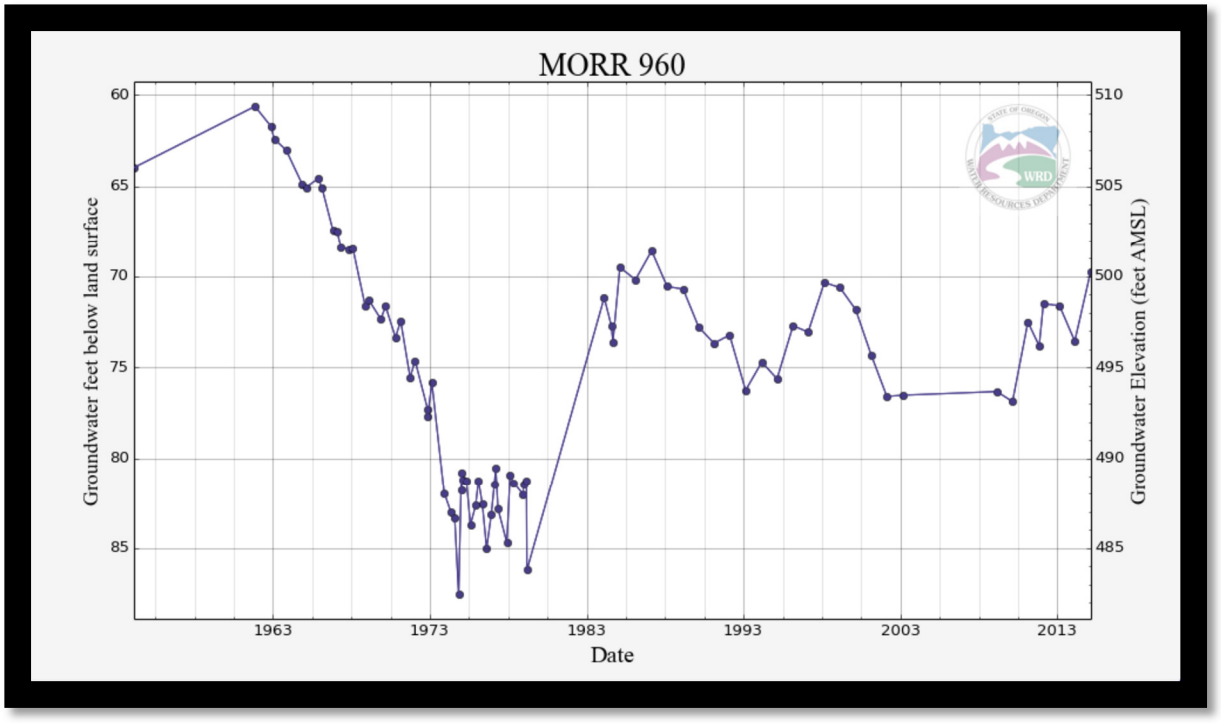





Groundwater Levels for MORR 1660
Zoom All
From Jun 20, 1994 To Feb 16, 2016
170.0 (580.0)
180.0 (570.0)
190.0 (560.0)
200.0 (550.0)
210.0 (540.0)
220.0 (530.0)
1996
1998
2000
2002
2004
2006
2008
2010
2012
2014
2016
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)

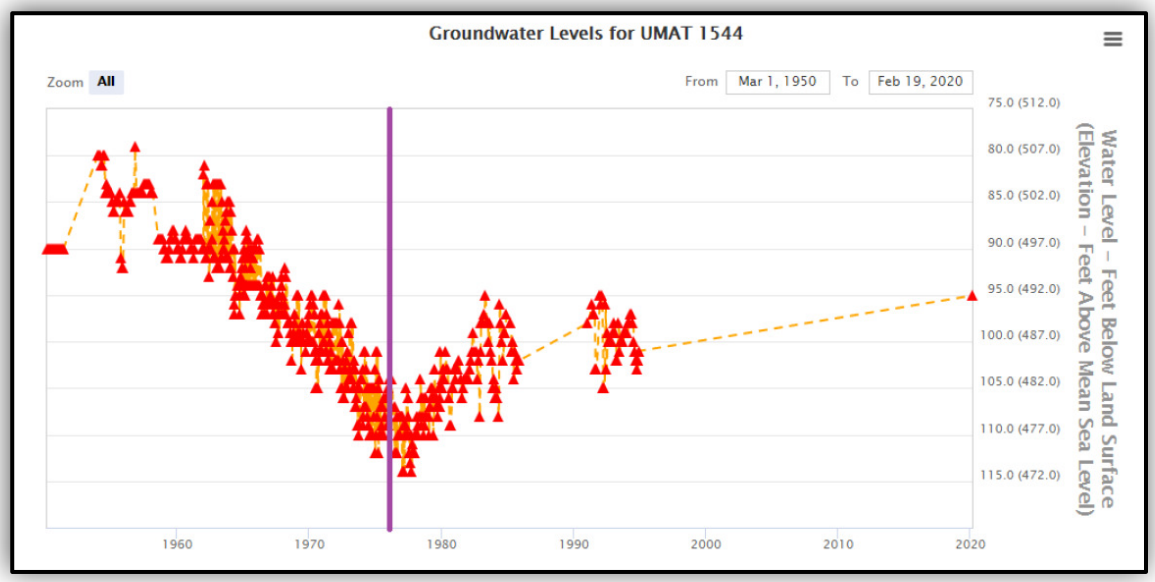

Groundwater Levels for MORR 1720
Zoom All
From Sep 1, 1962 To Feb 19, 2020
50.0 (465.0)
100.0 (415.0)
150.0 (365.0)
200.0 (315.0)
250.0 (265.0)
1965
1970
1975
1980
1985
1990
1995
2000
2005
2010
2015
2020
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)

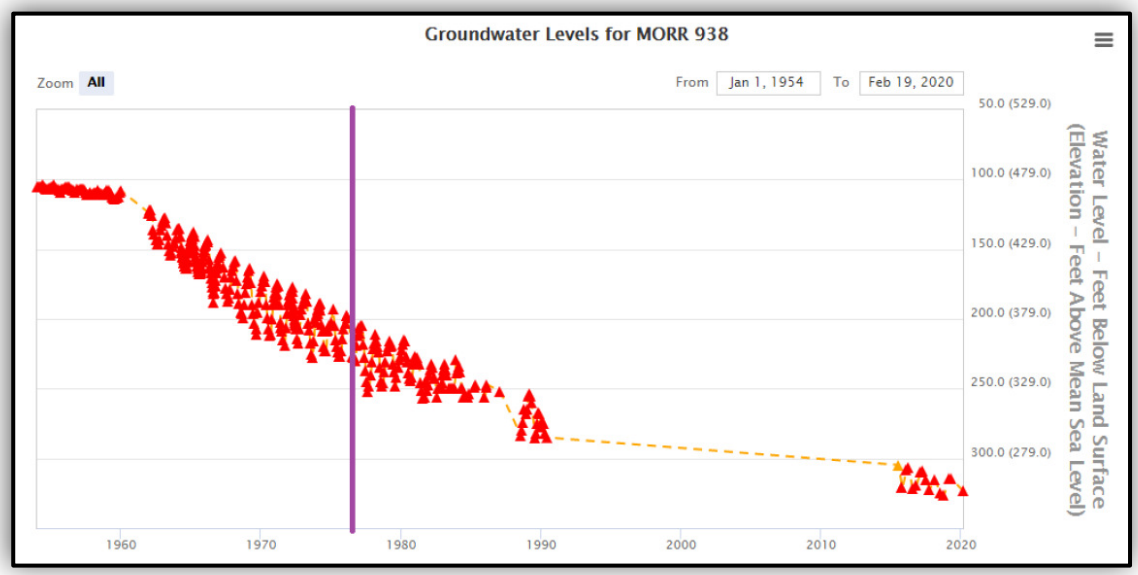
Likewise, publicly available groundwater data from wells UMAT1580 and MORR938 indicate that groundwater levels in the Gravel CGWA have dropped between 4 and 222 feet since 1950. Published hydrographs from the Department[53] also show the historical depletion of this aquifer:

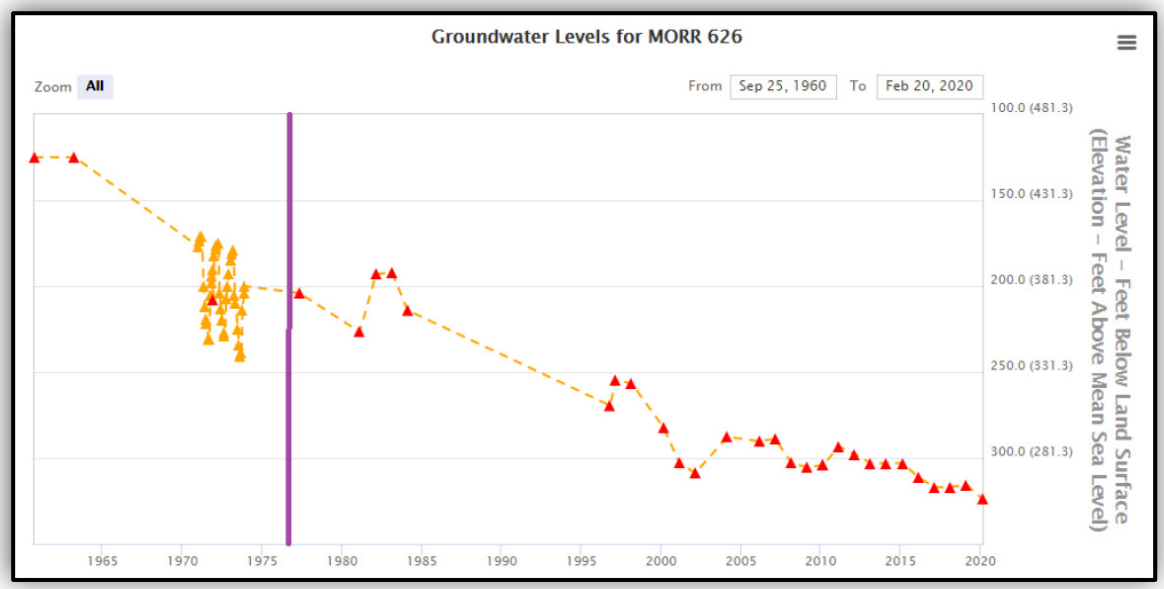


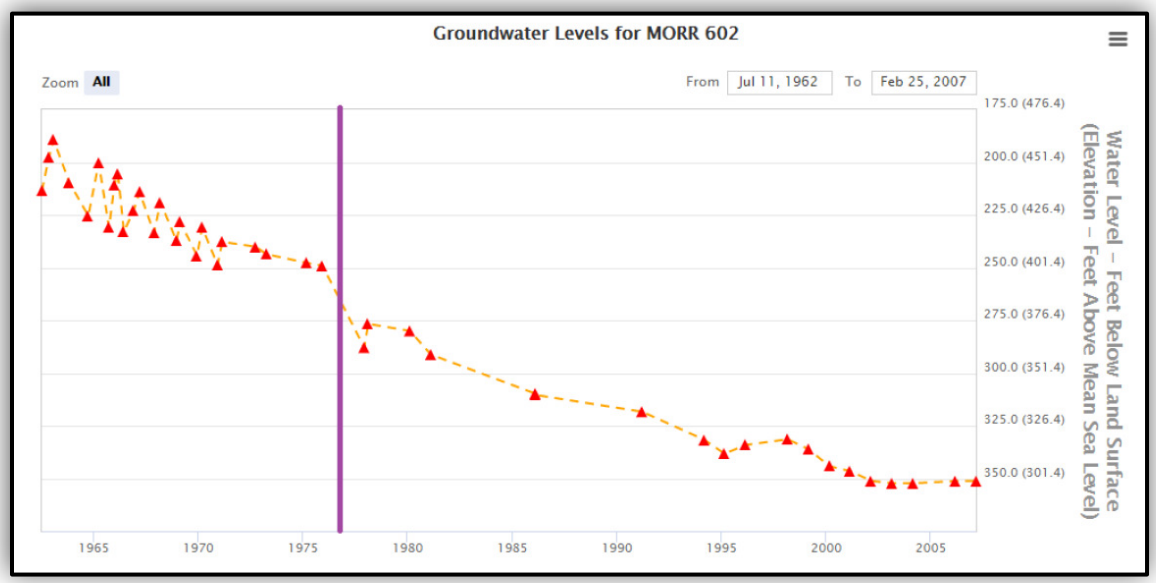
While the groundwater data within this Ordnance does show some recovery due to artificial recharge, individual wells within it continue to show declines over time:

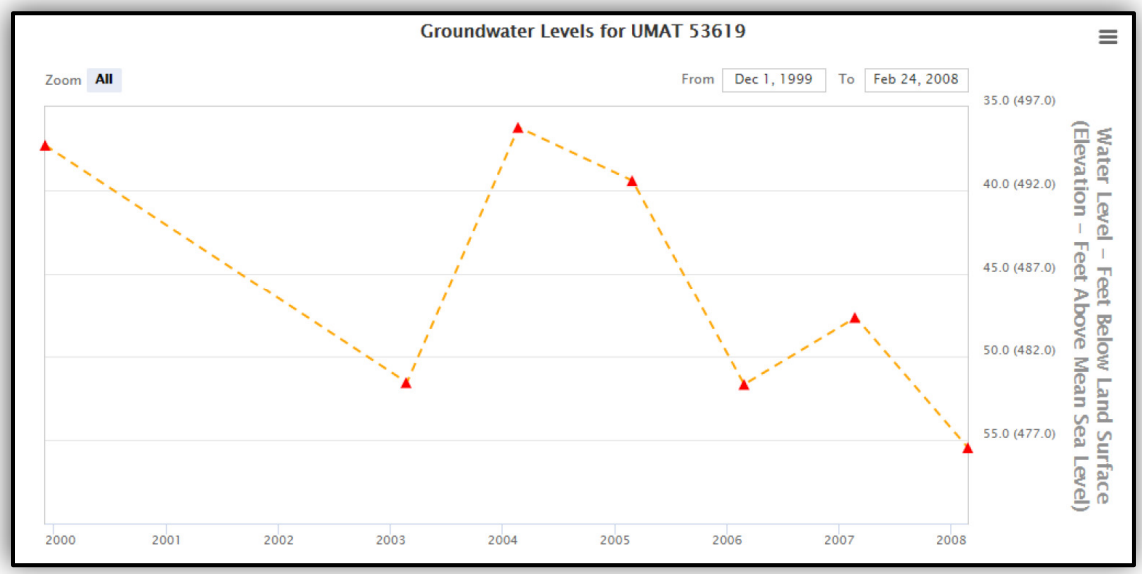
[53] Memorandum, *supra* note 15, at Attach. 6.

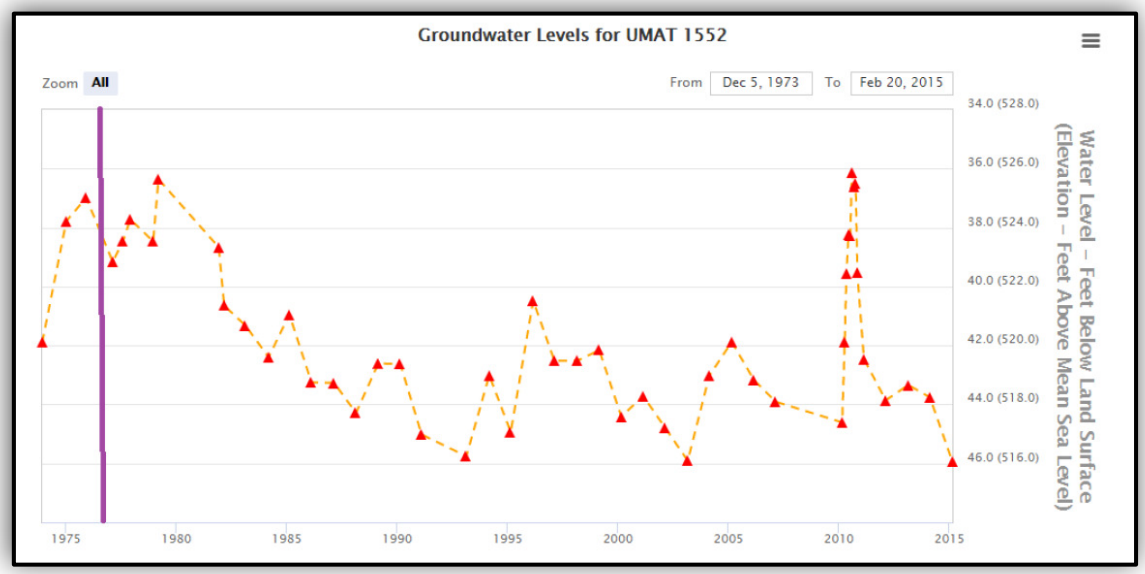

Groundwater Levels for UMAT 1544
Zoom All
From Mar 1, 1950
To Feb 19, 2020
75.0 (512.0)
80.0 (507.0)
85.0 (502.0)
90.0 (497.0)
95.0 (492.0)
100.0 (487.0)
105.0 (482.0)
110.0 (477.0)
115.0 (472.0)
1960
1970
1980
1990
2000
2010
2020
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)

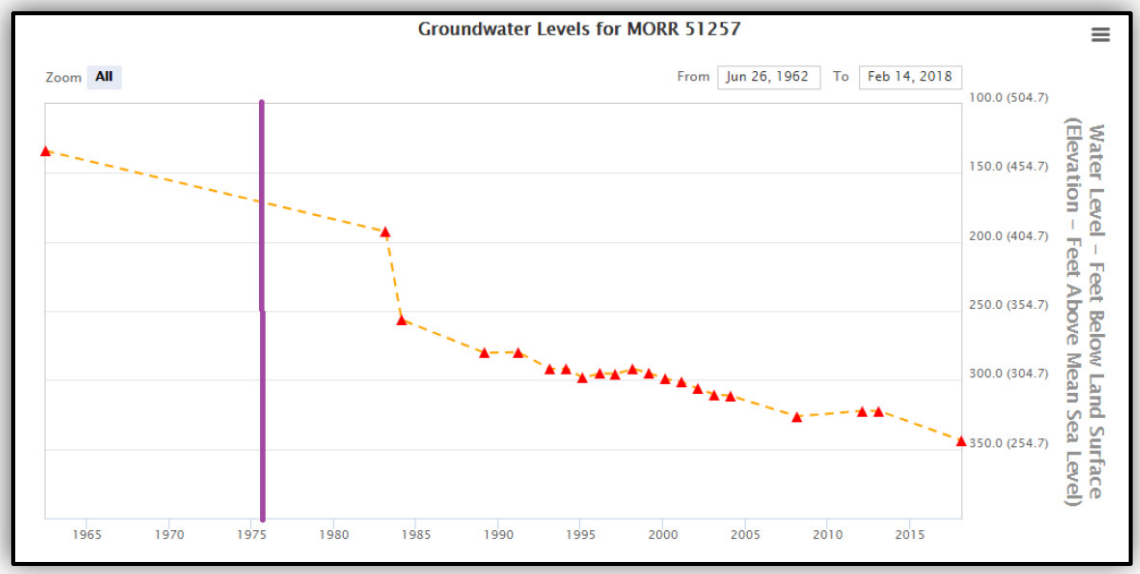

Groundwater Levels for MORR 938
Zoom All
From Jan 1, 1954
To Feb 19, 2020
50.0 (529.0)
100.0 (479.0)
150.0 (429.0)
200.0 (379.0)
250.0 (329.0)
300.0 (279.0)
1960
1970
1980
1990
2000
2010
2020
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)


Groundwater Levels for MORR 626
Zoom All
From Sep 25, 1960
To Feb 20, 2020
100.0 (481.3)
150.0 (431.3)
200.0 (381.3)
250.0 (331.3)
300.0 (281.3)
1965
1970
1975
1980
1985
1990
1995
2000
2005
2010
2015
2020
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)


Groundwater Levels for MORR 602
Zoom All
From Jul 11, 1962
To Feb 25, 2007
175.0 (476.4)
200.0 (451.4)
225.0 (426.4)
250.0 (401.4)
275.0 (376.4)
300.0 (351.4)
325.0 (326.4)
350.0 (301.4)
1965
1970
1975
1980
1985
1990
1995
2000
2005
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)


Groundwater Levels for UMAT 53619
Zoom All
From Dec 1, 1999
To Feb 24, 2008
35.0 (497.0)
40.0 (492.0)
45.0 (487.0)
50.0 (482.0)
55.0 (477.0)
2000
2001
2002
2003
2004
2005
2006
2007
2008
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)


Groundwater Levels for UMAT 1552
Zoom All
From Dec 5, 1973
To Feb 20, 2015
34.0 (528.0)
36.0 (526.0)
38.0 (524.0)
40.0 (522.0)
42.0 (520.0)
44.0 (518.0)
46.0 (516.0)
1975
1980
1985
1990
1995
2000
2005
2010
2015
Water Level – Feet Below Land Surface
(Elevation – Feet Above Mean Sea Level)



Thus, the current state of the aquifers makes clear they are at risk of over-extraction from further stockwatering uses within the Ordnance CGWAs, necessitating further restrictions to fulfill the purpose of the Order.

VI. ARGUMENT

The continued interest in new and expanded industrial livestock operations in the Ordnance CGWAs is endangering groundwater levels, and the Commission must intervene. Simply put, the Order's inclusion of the stockwatering exemption renders it incapable of meaningfully protecting these endangered aquifers—which are invaluable public resources—from twenty-first century levels of industrial animal agriculture resource extraction.

A. Options for achieving the Ordnance CGWAs' substantive goals while reducing the negative economic impact on businesses

The foregoing data demonstrate that the Order is failing to fulfill its purpose. The Director issued the Order "[t]o properly provide for the public welfare, safety, and health"[54] and to address groundwater level declines in the region.[55] Given the continued decline in groundwater levels since the enactment of the Order, it is clear that prohibiting new exempt use for stockwatering in the Ordnance CGWAs would

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54 Order, *supra* note 1, at 60.

55 Memorandum, *supra* note 15, Attachs. 5 & 6; Letter, *supra* note 20, at 1 (noting that the Order was issued because "significant groundwater level declines indicated annual consumptive use exceeded natural recharge of the groundwater systems").

better fulfill the Commission's resource management goals, including responsible groundwater management and conservation.

Limiting new exempt use for stockwatering will enable the Commission to manage groundwater in the area responsibly. Under these limits, new and expanded mega-dairies that use groundwater in excess of 5,000 gallons per day in the Ordnance CGWAs would be required to either use a source other than groundwater or go through a transfer process to use existing groundwater rights for livestock watering. The transfer process will give the Department the opportunity to evaluate impacts these users have on the aquifers and other water users. Currently the Department does not have this opportunity with respect to stockwatering under a claim of exemption, which dampens the Commission's ability to monitor extremely large groundwater users and to protect the public welfare, safety, and health. Closing the Ordnance CGWAs to significant new exempt stockwatering use would empower the Department and Commission to effectively manage users and groundwater levels in the Ordnance CGWAs.

Likewise, limiting new exempt stockwatering use will provide the Department and Commission with the opportunity to further water conservation goals. By creating a mechanism by which new stockwatering use is evaluated against other users, the Department and Commission will have more comprehensive information and control, and will be able to conserve groundwater more effectively.

It is also economically detrimental to allow new exempt stockwatering uses within the Ordnance CGWAs. The economic conditions in the Ordnance CGWAs are dependent upon adequate groundwater levels. Communities and businesses—including existing water rights holders—will face economic hardships if their access to groundwater continues to dwindle due to increased regulation resulting from aquifer drawdowns and pumping cost increases. Businesses could close, leading to job losses and community members leaving the area. As Morrow County Planning Director Carla McLane stated, "[r]esidents are more concerned about water than air."[56] Thus, the Commission should limit new exempt stockwatering use so the Department can better manage available groundwater to prevent economic harm to communities and businesses.

B. The continued need for the existing rule

As explained above, when the Order was enacted in 1976 there were no industrial livestock operations in the area. Just two years before, the county had 38,258 total cows and calves—a relatively low of number of animals pulling stockwater from the aquifer. Following the entry of mega-dairies into the area in

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[56] OR. SUSTAINABILITY BOARD, Meeting Minutes (October 5, 2017) (statement of Carla McLane, Morrow County Planning Directory & Chair of the Transportation Committee).

the late 1990s, the total number of cows and calves went from 50,282 in 1997 to 106,301 in 2002.[57] By 2017, the county had 149,340 total cows and calves; the number nearly quadrupled since the first mega-dairy appeared.[58] The owners of Threemile Canyon *alone* have over 96,000, indicating just how much one new corporate actor can impact the region's resources.[59]

Thus, regardless of the sense it may have made in 1976 to continue to allow new exempt stockwatering uses in the Ordnance CGWAs, the current state of groundwater in the region now establishes that the continued new use of more than 5,000 gallons per day of groundwater under the stockwatering exemption is no longer sustainable, and that the Commission needs to restrict further use of the exemption over this amount.

C. The complexity of the existing rule

The Order can be easily amended to limit the stockwatering exemption for new and expanded use while preserving existing uses and truly *de minimis* additions, as Petitioners assert *supra* in Section III. The Department's current monitoring and data collection efforts will not be impacted, nor would existing users' water appropriation permits or uses. Smaller and *de minimis* users will not be negatively affected by this change because their stockwatering is either existing or likely to be within the proposed limit on new uses.

D. The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations

The Order's continued allowance for exempt uses in areas designated as CGWAs conflicts with the Commission's authorizing statute, which mandates that the Commission "progressively formulate" a water resources program that must, among other things, protect existing water rights and consider "harmful effects upon ground water supplies."[60] The continued allowance for new, exempt stockwatering uses when such exemptions have the potential to—and have in fact been proven to—vastly overexploit the area's critically endangered groundwater resources stands in direct conflict to the state's water policy and regulations.

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57 *See supra* note 30.

58 2017 CENSUS, *supra* note 27.

59 *See* AFO Spreadsheet, *supra* note 33.

60 ORS 536.300(2); ORS 536.310(1), (6).

E. Changed technology, economic Conditions, and other factors

Technology, economic conditions, and other factors have radically transformed animal agriculture in the Ordnance CGWAs—and everywhere else—since the Director issued the Order in 1976. These changes have rendered the Order inadequate to protect the Ordnance CGWAs.

Over the past half century, technology has transformed dairy farms in the Ordnance CGWAs into industrial behemoths. But there were no mega-dairies there in 1976 when the Director issued the Order—indeed, the technology used today to milk thousands of cows at once was not yet available.[61] Accordingly, the first mega-dairy did not appear in the region until more than twenty years *after* the Order was issued[62]—and since then the number of cows and calves has nearly quadrupled.[63]

The Order likely allowed continuation of exempt groundwater use for stockwatering because it did not anticipate the potential for intense, concentrated demand from new industrial-scale livestock operations. And nor could this demand have been anticipated; the Director simply had no way of knowing in 1976 how dangerous industrial-scale animal agriculture facilities would become to groundwater resources in the future. The technological developments that contributed to the rise of industrial animal agriculture—and the corresponding demise of smaller farms that had less concentrated and intense impacts[64]—require the Commission to amend the Order to make it effective.

Finally**,** when the Order was issued, the Director alone could declare a CGWA and craft the determination order. There is now a more robust process in Oregon for determining a CGWA and the types of protections afforded. The multi-member Commission is vested with the authority—and the responsibility—to act in order to protect the public health, welfare, and safety. To fulfill its duty to Oregonians, the Commission should amend the Order to prohibit new exempt use of groundwater in excess 5,000 gallons per day for stockwatering.

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61 Milking machines did not become commercially available until the 1990s. *How new technology is transforming dairy farming*, MEGALAC (Feb. 8, 2018), https://www.megalac.com/about/news/151-how-new-technology-is-transforming-dairy-farming.

62 THREEMILE CANYON FARMS, About, https://www.threemilecanyonfarms.com /about (last visited Aug. 20, 2020).

63 *See supra* notes 25 and 26.

64 Terry, *supra* note 44 ("As in the rest of the country, Oregon dairy farms have faced consolidation in recent decades, with the number of operations shrinking as farms themselves have grown. In the early 1990s, Oregon had about 500 dairy farms. By 1998, there were 326, Kerr said. Today, they number about 206, according to Oregon Department of Agriculture statistics.").

F. Nature of Comments and Complaints

Oregon agencies have also received myriad comments and complaints regarding the resource extraction of industrial animal agriculture facilities within the Ordnance CGWAs. For example, ODA received more than 4,000 comments on Lost Valley's CAFO permit.[65] Those comments reflect widespread public concern about Lost Valley's effects on groundwater resources, public health, and environmental justice.[66] Public interest groups and a neighboring dairy also contested a water-right transfer to allow a new well at Lost Valley that would have been primarily for stockwatering.[67] Oregon's public has thus made clear that the existing overexploitation of Oregon's water resources, including by and through use of the stockwatering exemption for significant new and expanded uses, is a point of public controversy and concern.

VII. CONCLUSION

Simply put, the 1976 Order allowed new exempt stockwatering use in a time before large-scale, highly concentrated livestock operations populated the area. If current trends continue, new operations will continue to be drawn to the area in the future. Revising the Order to preclude new and expanded exempt use of more than 5,000 gallons per day for stockwatering is now necessary to further the state's water policy, conserve groundwater resources, and protect the public welfare, safety, and health. We respectfully request that the Commission amend the Order to do this.

We look forward to your response within 90 days, as well as the opportunity to discuss this with you further in the event the petition is denied, as required by OAR 137-001-0070(3), (4)(c).

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[65] OR. DEP'T OF AGRIC. & OR. DEP'T OF ENVTL. QUALITY, CONFINED ANIMAL FEEDING OPERATION (CAFO) NPDES PROPOSED CAFO INDIVIDUAL PERMIT FOR LOST VALLEY FARM, GREG TE VELDE, RESPONSE TO PUBLIC COMMENTS 1, https://www.oregon.gov/ODA/programs/NaturalResources/Documents/CAFOPublicNotices/LostValleyFarm/LostValleyFarmComments.pdf (last visited Aug. 20, 2020).

[66] *Id.*; *see, e.g.*, Food & Water Watch, *supra* note 34, at 13.

[67] OR. WATER RES. DEP'T, OVERVIEW OF WATER RIGHTS ISSUES AT LOST VALLEY FARM BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES 2-3, https://olis.leg.state.or.us/liz/2017I1/Downloads/CommitteeMeetingDocument/148858 (last visited Aug. 19, 2020).

Dated: October 5, 2020

Sincerely,

Cristina Stella

Cristina Stella
Managing Attorney
Animal Legal Defense Fund

On behalf of:

STAND UP TO FACTORY FARMS

Brian Posewitz
Staff Attorney
WaterWatch of Oregon
213 SW Ash St. # 208
Portland, Oregon 97204

Amy van Saun
Senior Attorney
Center for Food Safety
2009 NE Alberta St. # 207
Portland, Oregon 97211

Lauren Goldberg
Legal & Program Director
Columbia Riverkeeper
407 Portway Ave. # 301
Hood River, Oregon 97031

Erin Eberle
Director of Engagement
Farm Forward
P.O. Box 4120
Portland, Oregon 97208

Shari Sirkin
Executive Director
Friends of Family Famers
P.O. Box 396
Corbett, Oregon 97019

Tarah Heinzen
Legal Director
Food & Water Watch
1616 P St. NW # 300
Washington, DC 20036

Jennifer Hauge
Board Member
Humane Voters Oregon
5331 SW Macadam Ave. # 258
Portland, Oregon 97239

Hannah Connor
Senior Attorney
Center for Biological Diversity
P.O. Box 2155
St Petersburg, Florida 33731

Attachment A

BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT

Morrow and Umatilla Counties

ON THE QUESTION OF DETERMINATION OF A CRITICAL GROUND WATER AREA IN THE ORDNANCE AREA, MORROW AND UMATILLA COUNTIES, OREGON	FINDINGS, CONCLUSIONS, AND ORDER

INTRODUCTION

1

Notices of hearing on the question of the determination of a critical ground water area in the Ordnance area of Morrow and Umatilla Counties, Oregon were published in the Hermiston Herald and the East Oregonian, newspapers of general circulation, as defined by ORS 193.010 and 193.020, for 2 successive and consecutive weeks in the January 1, 1976 and the January 8, 1976 issues of the Hermiston Herald; and the January 6, 1976 and January 13, 1976 issues of the East Oregonian in Umatilla County, Oregon. Written notices were also mailed to all claimants or appropriators of ground water of record in the Ordnance ground water area and all water well contractors and drilling machine operators whose addresses were within Morrow or Umatilla Counties, Oregon. Notices of hearing were also mailed to the following:

(1) Senators: Senator Michael G. Thorne of Umatilla County
Senator Kenneth A. Jernstedt of Morrow County

(2) Representatives: Representative Wallace W. McCrae of Umatilla County
Representative Jack Sumner of Morrow County

(3) Federal Agencies:
(a) Stanley Kapustka, Chief, Portland District, U. S. Geological Survey, Portland, Oregon
(b) Robert Fery, Federal Land Bank, Spokane, Washington
(c) Mr. Fields, Bonneville Power Administration, Walla Walla, Washington

(d) Irvin Williams, Maintenance Engineer, U. S. Army Depot, Ordnance, Oregon
(e) U. S. Army Corps of Engineers, Walla Walla, Washington
(f) U. S. Army Engineer District, Seattle, Washington

(4) County Officials:
(a) Darrell Maxwell, Extension Service, Hermiston, Oregon
(b) Umatilla County Planning Commission, Hermiston, Oregon
(c) Morrow County Planning Commission, Heppner, Oregon
(d) Umatilla County Planning Commission, Pendleton, Oregon.
(e) Jim R. Stephenson, East Central Oregon Association of Counties, Pendleton, Oregon
(f) Port of Umatilla, Hermiston, Oregon
(g) Port of Morrow, Boardman, Oregon
(h) Forrest K. Starrett, Chairman, Umatilla County Commission, Pendleton, Oregon
(i) Judge Paul W. Jones, Chairman, Morrow County Commission, Heppner, Oregon.

(5) Cities:
(a) City of Hermiston, Mayor L. D. Grey
(b) City of Hermiston, Tom Harper, City Manager
(c) City of Umatilla, Mayor A. L. Draper
(d) City of Irrigon

(6) Others:
(a) Stanfield Irrigation District, Don Wilson, Stanfield, Oregon
(b) The Eastern Oregonian, Hermiston, Oregon
(c) The Tri-City Herald, Hermiston, Oregon
(d) Umatilla Electric Cooperative Association, Hermiston, Oregon
(e) Kottkamp and O'Rourke, Attorneys at Law, Pendleton, Oregon
(f) Peterson and Peterson, Attorneys at Law, Pendleton, Oregon
(g) Owen Panner, Attorney at Law, Bend, Oregon
(h) Donald Morrison, Attorney at Law, Hermiston, Oregon
(i) Manager, Gaschler and Associates, Hermiston, Oregon
(j) Irrigation Engineering, Pasco, Washington
(k) Oregon Drilling Association, Gladstone, Oregon
(l) Oregon, Washington Railroad and Navigation Company, Portland, Oregon
(m) Sabre Corporation, Boardman, Oregon
(n) Herman Winters, Morrow County District Attorney, Heppner, Oregon

2

The notice of hearing invited all interested persons to be present at the hearing to present oral or documentary evidence pertaining to the following subjects:

(a) Whether ground water levels in the areas in question are declining or have declined excessively;

(b) Whether the wells of two or more ground water claimants or appropriators within the areas in questions interfere substantially with one another;

(c) Whether the available ground water supply in the areas in question is being or is about to be overdrawn;

(d) Whether the purity of the ground water supply in the areas in question has been or reasonably may be expected to become polluted to an extent contrary to the public welfare, health, and safety.

3

A public hearing in connection with the above entitled subjects was held before Chris L. Wheeler, Deputy Director of the Water Resources Department on Wednesday, February 18, 1976 at 9:30 a.m. in Thompson Hall at the Umatilla County Fairgrounds in Hermiston, Oregon in accordance with the Notice given. The Water Resources Department's studies and recommendations as contained in Exhibit No. 1 were presented and pertinent testimony and evidence pertaining to the determination of a critical ground water area were received as provided in ORS 537.730, 537.735 and 537.740.

The following appeared as witnesses and testified at the hearing:

(a) William B. McCall, Hydrogeologist, Water Resources Department
(b) Luther W. Cramer, Well owner and operator
(c) Dwight Hulet, Well owner and operator
(d) Julius Szabo, Landowner
(e) Troy Griffin, Water well contractor and driller
(f) John Robison, Engineer
(g) William Penney, Manager, Port of Umatilla
(h) J. V. Aylett, Well owner and operator
(i) Dennis Logan, Well owner and operator
(j) Malcolm Skinner, Well owner and operator
(k) Chester A. Wilson, Mayor of Irrigon
(l) Dwayne Carroll, Well owner and operator
(m) LaVerne Boylan, Businessman
(n) Ervin C. Williams, Maintenance engineer, U. S. Army Depot

4

It now appearing that all evidence and testimony has been taken in the above entitled matter, the Director of the Water Resources Department, being fully advised in the premises, makes and orders to be entered in the records of his office the following Findings, Conclusions, and Order:

FINDINGS

1

The Ordnance ground water area, as used in these findings, lies within the Umatilla lowlands bordering the Columbia River in north-central Oregon within the northeast corner of Morrow County and the northwest corner of Umatilla County. The Ordnance basalt ground water area includes all of Township 3 North, Range 26 East; all of Township 3 North, Range 27 East except that part draining directly into Butter Creek; all of Township 4 North, Range 26 East and Township 4 North, Range 27 East; and that part of Township 5 North, Range 26 East and Township 5 North, Range 27 East lying south of the Columbia River.

2

The Ordnance gravel ground water area includes Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 of Township 3 North, Range 26 East; Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 4 North, Range 26 East; the north one-half of Township 3 North, Range 27 East; all but Sections 1 through 6 of Township 4 North, Range 27 East; Sections 6, 7, and 18 of Township 3 North, Range 28 East; and Sections 7, 18, 31, and those areas of Sections 8, 9, 16, 17, 19, 20, and 30 of Township 4 North, Range 28 East, lying west of the Umatilla River. The boundary lines of the proposed critical ground water area are shown on the topographic map on Plate 1 (attached).

3

GEOLOGIC SETTING

A. Physiography

The Ordnance area occupies the north central portion of a broad, gently rolling, slightly dissected, lowland plain which rises along gentle slopes from the Columbia River to the rounded hills and small valleys of the Blue Mountains to the south. The elevations within the report area rise from an altitude of about 250 feet near the Columbia River at Irrigon to about 1,000 feet near the southern border of the report area along the

south base line of Township 3 North. The majority of lands irrigated from wells within the area lie between elevations of 500 to 650 feet above mean sea level. The Ordnance basalt ground water area encompasses approximately 175 square miles; the Ordnance gravel ground water area occupies approximately 82 square miles (see Plate 1, attached).

4

B. Stratigraphy

The broad plain of the Ordnance ground water area is everywhere underlain by a thick sequence of basaltic lava flows known as the Columbia River Group. At most places in the area, these rocks lie buried beneath sedimentary deposits of fanglomerate and older alluvium. Above an elevation of about 750 feet, near the southern boundary of the area, Pliocene fanglomerate directly overlies the basaltic lavas (see Plate 2, attached). These sediments are composed of a heterogeneous mixture of tightly cemented sand, silt, and clay with embedded basaltic rock debris derived as slope wash from the weathering of basaltic rocks on upland slopes to the south. Below the 750 foot elevation, the older alluvium (glaciofluviotile deposits), consists of lenticular, poorly sorted deposits of sand, gravel, silt, and clay laid down by the ancestral Columbia River during various flood stages in Pleistocene time. Some of the clay and silt deposits at or near the base of the alluvial sediments are probably lacustrine in origin, laid down in shallow lakes that were formed during periods of downstream damming of the river by ice and debris. The thickness of the stream and lake deposits in the area averages approximately 50 to 100 feet and attains a maximum of about 200 feet.

5

Basalt of the Columbia River Group underlies all of the Ordnance ground water area. However, except for a small area along the Columbia River in Sections 15 and 16, Township 5 North, Range 27 East, the basalt is completely covered by alluvium. The Columbia River Group is a series of accordantly layered basaltic lavas. The basalt is known to

exceed 2,500 feet in thickness in nearby areas, although only about 1,500 feet has been penetrated by wells locally. Individual lava flows in this formation vary from about 10 to 150 feet in thickness and commonly extend laterally for about 1 to 12 miles. Typically, the flows are a hard, dense, non-porous, olivine basalt near the base grading upward to coarser grained, vesicular, and scoriaceous zones near the top. The flows commonly display columnar jointing patterns consisting of polygonal or hexagonal shaped, roughly vertical, columns that developed along cooling joints. Rectangular or diced jointing is also common to some flows in the area. Almost all of the jointing patterns within the basalts are relatively tight and are only rarely open and well developed. Vertical permeability, therefore, is believed to be quite low.

6

The basalts making up the Columbia River Group issued forth as a very fluid lava from numerous fissures that opened up in the Columbia basin. Individual out pourings of lava spread out as streams and lakes of molten rock which eventually cooled to form broad lava plains. At times, soil zones, stream channels, and lakes formed by impounded streams developed on the lava plains only to be buried by successive flows of lava. Sediments deposited upon the lava surface include clay, silt, and sand and gravel which now occur as local interbeds, as much as 100 feet thick, between flows of basalt. Where penetrated by wells drilled into the basalt below the regional water table, the coarser grained sediments form extremely good water yielding zones.

7

C. Structure

The topography of the Ordnance area is largely controlled by the tectonic structure of the underlying basaltic rock. The basalt dips almost imperceptibly along gentle slopes from the uplands of the Blue Mountain anticline, several miles to the southeast of the area, to the east-west trending, 160-mile-long, Dalles-Umatilla syncline at the north boundary

of the report area. The Columbia River lies in the axial trough and follows the axis of the syncline. The Ordnance ground water area occupies part of the gently dipping south limb of the syncline. Structural dips trend to the northwest within the basalts of the report area and average approximately 30 feet to the mile.

8

The Service anticline, shown on Plate 2 (attached), lies approximately 3 miles to the east, and generally parallels the eastern boundary of the Ordnance ground water area. The anticline is an up-turned structural fold in the basaltic rocks extending northward from Service Buttes to Sillusi Butte in Washington across the Columbia River from Umatilla. It is believed that the structure serves as a barrier to the movement of ground water from up-slope areas to the southeast.

9

OCCURRENCE OF GROUND WATER

A. Stream and Lake Sediments

Ground water within the stream and lake deposits overlying the basalt of the Columbia River Group has been extensively developed by shallow wells in the report area. The amount of acreage irrigated by wells developing water from these alluvial aquifers is more than double the acreage irrigated from deep basalt wells in the overall Ordnance ground water area.

10

1. Lost Lake-Depot Area

Shallow wells producing from the alluvium are concentrated mostly in the north half of Township 3 North, Range 27 East and in the south half of Township 4 North, Range 27 East, herein termed the Lost Lake-Depot area. Here, the gravel interbeds in the alluvium are moderately thick and are in places highly permeable. The capacities of wells in this particular area range from 400 to 3,000 gallons per minute and average about 1,800 gallons per minute. The occurrence of permeable

gravel lenses in the alluvial sediments, however, is irregular in both horizontal and vertical distribution. A number of wells with yields of less than 100 gallons per minute have been constructed in the area. The alluvium in this highly developed area ranges in thickness from approximately 80 feet to 170 feet with an average thickness of about 100 to 125 feet. The saturated portion of the alluvial sediments, or that part lying below the water table, is about 25 feet thick throughout the developed area. However, because of structural or erosional features in the underlying basalt, the saturated alluvium ranges from a low of approximately 15 feet to a high of 125 feet in some areas (see Plate 4, attached). To the north, south, and to the west of the Lost Lake-Depot area, the saturated alluvium becomes progressively thinner and finer grained with a noteable horizontal discontinuance of permeable lenses of gravel. In parts of Townships 3 and 4 North, Range 26 East, and in parts of Township 4 North, Ranges 27 and 28 East, the stream and lake sediments stand above the water table and are not a source of water. Along the Columbia River, in the northern part of the Ordnance ground water area, and especially in Township 5 North, Range 26 East, the ground water in the alluvial sediments is partly in hydraulic connection with the river and is generally free to rise and fall with fluctuations of the pool level of Lake Umatilla behind John Day Dam.

11

2. Westland Road Area

Another area of major development of ground water in the stream and lake sediments is in Township 4 North, Range 28 East, west of the Umatilla River, and along the east range line of the northeast quarter of Township 4 North, Range 27 East, and part of the west half of Township 3 North, Range 28 East, termed the Westland Road area (see Plate 1). Here, the alluvium is approximately 100 to 150 feet thick and contains thick lenses of permeable gravel. In general, the lower one-half of the alluvium in this area is saturated with water. Large quantities of ground

water have been developed from shallow wells in the area for agricultural and for industrial purposes. The relative thick and highly permeable lenses of open gravel that underlie the Westland Road area apparently lens out within short lateral distances and do not extend into the finer grained sediments lying between this developed area and the Lost Lake-Depot area. Wells constructed into alluvial deposits between the two highly productive areas have encountered only fine-grained sediments of clay, silt, and sand with relatively minor amounts of gravel. The hydraulic conductivity between the two areas is believed to be very low.

12

The ground water table within the stream and lake sediments in the overall Ordnance gravel ground-water area slopes rather gently in a general northwesterly direction. The ground-water gradient averages about 50 feet per mile in areas where the sediments are poorly permeable. In areas of greater permeability, containing abundant gravel deposits, the gradient flattens to approximately 12 feet per mile (see Plate 3, attached).

13

B. Ordnance Basalt Aquifers

The basalts of the Columbia River Group contain the most wide-spread aquifers in the Ordnance ground water area. These aquifer units are often capable of yielding 1,000 gallons per minute or more to most properly constructed wells. Ground-water aquifers in the basaltic rocks are in the form of thin tabular bodies, usually in the broken and rubbly contact zones between individual flows of basalt. The contact zones are at places porous and permeable in a horizontal direction. The compact center parts of most flows are relatively impermeable and under natural conditions do not permit water to move freely between aquifers. Ground water in the horizontal porous zones, therefore, is confined.

14

In addition to the vertical separation, the tabular ground-water bodies generally are not continuous over great horizontal distances. Interruptions

of the permeability in the horizontal water-bearing zones by structural faults and folds and by stratigraphic features, such as the lensing out of individual flows, has produced an areal compartmentation of the hydrologic system in the basalt rocks. As a result, the potentiometric head relationships among the various water bearing zones in the area are varied and complex with each zone having its own potentiometric head. For this reason, water level elevations in the basaltic aquifers cannot be realistically depicted in graphic map form.

15

The overall porosity of the basalt formation is low. The percent of open space available for the storage of water in the formation is probably less than one percent, or only about 1/20th that of the overlying gravels. On the basis of the reported specific capacities (gallons per minute per foot of drawdown), of the deep basalt wells in the area, the transmissivity of the basalt is estimated to range from 10,000 feet^2 to 50,000 feet^2 per day. Because of the relatively high transmissivities and low storage coefficients of the basalt in the area, the hydraulic effects from the pumping of wells can extend over great distances within individual aquifers.

16

RECHARGE

A. Alluvial Sediments

Recharge to the alluvial sediments is derived partly from precipitation infiltrating directly into the sediments and percolating downward to the water table. Precipitation averages about 8.5 inches per year, and occurs mainly during the late fall, winter, and spring months. Pan evaporation rates as measured during past years in Hermiston are high, averaging about 45 inches per year. This is the equivalent of about 31.5 inches of field evaporation. These periods of high evaporation, however, occur in the hot dry summer months and in the early fall when measurable precipitation is extremely rare. Evaporation during the winter months

is assumed to be very low, probably less than 4 inches per year. It is estimated that less than one-fourth of the total annual precipitation is able to recharge the ground-water body within the alluvial sediments after soil moisture deficiencies have been replaced. Recharge to the alluvial aquifers may greatly exceed this amount during those years when extremely heavy periods of precipitation occur over relatively short periods of time. For example, during the months of November and December, 1973, over 7 inches of precipitation fell over the area. Water level measurements of shallow gravel wells obtained during February 1975 showed that the water levels in some of the wells had not declined as in past years. In other shallow wells, a rise in water levels of 1 to 3 feet was measured. A few of the wells in the area experienced slight water level declines during this same period which may be due to a variance in horizontal permeability or to heavy pumping just prior to water level measurements.

17

Irrigation water imported into the Lost Lake-Depot area by the High Line Canal of the Westland Irrigation District is a source of moderate recharge to the alluvial aquifers in this area. Some recharge also undoubtedly occurs in years when there is surface runoff from the hills lying to the south. Moderate recharge to the alluvial sediments in the Westland Road area occurs as ditch leakage from surface water imported into the area, and as percolating water from flood irrigation in a few local areas.

18

Recharge to the alluvial sediments within the Lost Lake-Depot area from all sources is estimated to be less than 6,000 acre feet per year.

19

Graphs of U. S. Weather Bureau precipitation records for Hermiston and cumulative departure curves (Figure 1, Page 13, Exhibit No. 1) show a rising trend in precipitation between the years of 1940 and 1964, a

falling trend from 1964 to 1969, and another rising trend that began in 1969. Representative hydrographs of gravel wells in the area show an increase in the rate of decline of water levels in the stream and lake deposits during this last rising trend. Therefore, excessive pumpage of ground water and not comtemporary precipitation patterns is responsible for the decline of water levels.

20

B. Basalt Aquifers

There appears to be very little recharge to the deep basalt zone in the area. Carbon-14 dating of the ground water in the deep basalt zone, in the shallow basalt zone, and in the shallow gravel aquifer by the United States Geological Survey (Robison, 1971) indicated an age of at least 27,000 years since water in the deep basalt zone last made contact with the atmosphere. Water from the shallow basalt zone showed an age of 6,700 years, while the water obtained from the shallow gravel aquifer had a very recent age (1950). These reported ages, along with known aquifer characteristics, indicate that the water in the aquifer units in the basalt is largely or entirely ancient water and that the aquifers do not receive substantial recharge from local precipitation or from sources outside the area. In addition, the vertical separation and compartmentation of the aquifer units in the basalt, and the continual decline of water levels in wells producing from the basalt, further suggest that the water withdrawn by deep wells in the area is not being substantially replenished. Minor recharge to the basalt, however, does occur in the form of cascading water from the overlying gravel aquifer in a few improperly cased wells. Uncased wells that penetrate more than one aquifer unity may also permit the movement of water between aquifers to some degree although this has not been demonstrated by actual current meter tests conducted by staff members of the State Engineer's office in two of the deep wells. Hydrographs of wells in the area show a seasonal fluctuation of water levels and indicate a lateral movement

of water in the basalt. This lateral movement of water is in response to temporary pumping cones surrounding pumping wells and to reduced potentiometric pressures in confined aquifers caused by the withdrawal of water. The continued overdraft of ground water from the aquifer units in the basalt and the continual decline of water levels will not result in a significant increase in the rate of natural recharge to the ground water body.

21

WATER LEVEL DECLINE

A. Alluvial Sediments

Beginning in the early 1960's, water level data have been collected on a quarterly basis from four wells constructed into the alluvium, (Hydrographs of wells No. 1, 3, 16-B, and 33, Water Resources Department Ground Water Report No. 23, Exhibit No. 1). In addition, the water levels in 27 shallow wells in the Lost Lake-Depot and the Westland Road areas, and 16 wells in the shallow gravels near the Columbia River have been measured yearly since 1971. The water level measurements in gravel wells in the Lost Lake-Depot and the Westland Road areas show an average water level decline of slightly over 1.6 feet per year. Shallow wells in the lowland areas near the Columbia River generally have not experienced a decline in water levels.

22

The hydrographs of observation wells numbers 1, 3, and 16-B show a significant change in the rate of water level decline in the early months of 1972. The rate of decline prior to this time was in the order of 0.5 to 1.0 feet per year; therafter, the decline rate increased to about 3.0 feet per annum in wells No. 1 and 3, and to approximately 7.0 feet per annum in well No. 16-B. Well No. 33 showed a decrease in the rate of decline during this same period, probably because of decreased use of the well. (Hydrographs of the above listed wells are shown in Ground Water Report No. 23, Exhibit No. 1).

23

A serious water level problem has developed in the wells producing water from the alluvial sediments in the Lost Lake-Depot and the Westland Road areas. The continual decline of water levels over a long period of time has considerably reduced the amount of water in storage in the alluvial aquifers. Water levels in the alluvial aquifer underlying the Lost Lake-Depot area have declined in the order of 12 to 29 feet during the past 10 years. The majority of these wells have less than 25 feet of saturated alluvium remaining. The seriousness of the matter is further compounded by the fact that lenses of permeable gravel are haphazardly distributed throughout the area. Some wells have gravel lenses only in the upper vertical section of the saturated sediments, and have considerably less than 25 feet of permeable aquifer remaining (Well reports of wells number 5, 15, 33, 33-A, 42-C, 42-D, Ground Water Report No. 23, Exhibit No. 1).

24

It is evident that the decline of water levels in the alluvial sediments is the result of a ground water overdraft by shallow wells in the area. Continued excessive withdrawal of ground water will result in the ultimate failure of some wells developing water from the alluvial aquifer. In order to prevent further depletion of the ground water reservoir, it will be necessary to substantially reduce the amount of ground water withdrawals by shallow gravel wells or to replenish the aquifer by importing water into the area from the Umatilla River or the Columbia River for direct recharge.

25

Water level measurements of representative wells in the Westland Road area during the past 3 to 4 years have shown an average rate of water level decline of 1.6 feet per year, similar to the declines observed in shallow wells in Township 4 North, Range 27 East. These wells however, have approximately 50 feet of saturated alluvium remaining

and have a much longer life expectancy then most of the wells to the southwest.

26

B. Basalt Aquifers

A serious water level decline has occurred in most of the deep wells in the Ordnance area during the past several years. This decline has been in the order of 5 to 7 feet per year. (See hydrographs of wells No.'s 72, 75, 78, 80, 81, 83, 87, 91, and 92, Exhibit No. 1.) The decline of water levels in shallow basalt wells, or those wells less than 400 feet deep, has been much less. These wells have shown a rate of water level decline of about 1.6 to 2.0 feet per year, similar to the decline of water levels in the shallow wells producing from the overlying alluvial sediments. The difference in the rates of water level decline between the shallow wells developing water from the upper zones in the basalt and the deep basalt wells indicates low permeability between zones. Some recharge to the upper basalt zones probably occurs by the slow downward leakage of water into weathered and fractured zones of the basalt from the overlying alluvial sediments.

27

Continued withdrawal of water from deep wells in the area in amounts presently being withdrawn will result in the continual decline of water levels at approximately the same or perhaps increased rates in future years. At present, the pumping levels in the deep production wells are relatively low and range from approximately 175 feet in Well No. 78 to about 275 feet below land surface in Well No. 80. Most of the deep wells in the area have pumping lifts of approximately 220 to 240 feet.

28

GROUND WATER DEVELOPMENT

A. Stream and Lake Sediments

Water Resources Department records show that the first irrigation well drilled in the Ordnance area to develop ground water from the stream and

31

GROUND WATER USE

A. Alluvial Aquifers

1. Lost Lake-Depot Area

There are approximately thirty-nine wells in the Lost Lake-Depot area developing ground water from the shallow gravel aquifer. The State Engineer records show that fourteen water right certificates have been issued covering 1070.4 acres of irrigated land. Seventeen permits have been issued for the irrigation of 3849.0 acres and eight applications for the appropriation of ground water to irrigate an additional 2073.5 acres have been received. Permits for the appropriation of ground water in the area have not been issued since December 6, 1971. For the past three to four years prospective applicants have been advised of the pending investigation and advised that additional permits for the appropriation of ground water for the area may not be approved by the State Engineer.

32

2. Westland Road Area

Approximately sixteen drilled wells and three dug wells or sumps develop water for irrigation or industrial purposes from the shallow gravel aquifer in the Westland Road area. Eight water right certificates covering the irrigation of 750.1 acres in the area have been issued and eight permits for the irrigation of 794.9 acres have been approved. In addition, two permits for the combined appropriation of 6.6 cubic feet per second for industrial use have been issued. At present, ten applications have been received for the irrigation of 378.2 acres in the area.

33

B. Basalt Aquifers

Thirty ground water certificates have been issued for industrial, irrigation, and municipal use in the Ordnance basalt ground water area for the appropriation of ground water from wells tapping the upper and

lake sediments was constructed in 1950. The development of ground water in the alluvial sediments progressed rapidly until 1973 with the construction of approximately sixty drilled shallow irrigation and industrial wells and three dug wells or sumps. Of the drilled wells, approximately forty-seven are presently in use or are available for use.

29

B. Basalt

The development of ground water in the Ordnance basalt area began in 1941 with the construction of three wells tapping the upper basalt ground water aquifers when the Umatilla Army Depot was built at Ordnance. The first deep basalt well was constructed during the following year by the Umatilla Housing Autority to supply water for the community of Ordnance. In 1945, a well penetrating the shallow basalt reservoir was constructed by the Oregon-Washington Railroad for general railroad use. Two additional wells were drilled into the deep basalt at the Army Depot in 1950 for fire protection, which were followed by another in 1954. The first deep well for irrigation use (Well No. 75, Exhibit No. 1) was constructed in 1956. In the late 1950's and early 1960's, the area developed rapidly with the construction of seven deep irrigation wells and one deep fire protection well. In 1966 the State Engineer, after a hearing in the potential critical area, closed the area to further well development.

30

At the present time there are eight wells developing ground water from the deep basalt reservoir for agricultural purposes in the area. Three deep basalt wells and three wells tapping the upper basalt aquifers have water right certificates for fire protection use at the Umatilla Army Depot. In addition, one deep well and one shallow basalt well in the depot compound are used to supply water for general domestic purposes. A total of twelve wells of record have been constructed in the deep basalt aquifers at Ordnance.

the deep basalt flows; four water right permits have been issued. Subsequent to the State Engineer's Ordnance Critical Ground Water Area hearing in Hermiston on June 3, 1966, the State Engineer has not accepted any new applications for the appropriation of ground water from the deep basalt aquifers in the area. Since the date of the hearing, nine applications for the appropriation of ground water from the upper basalt flows have been received and six permits have been issued. Permits for the use of shallow basalt wells in the area have not been issued since April 26, 1971. The total number of acres under permits and certificates of water right for the appropriation of water for irrigation purposes from the deep basalt aquifers in the area is 2336.7 acres. Irrigated acreage under permits and certificates of water right from wells tapping the shallow basalt aquifers totals 915.5 acres. In addition, the City of Irrigon shallow basalt well has a permit for diversion of 1.0 cubic foot per second for municipal use and well No. 83 has a certificate of water right for the use of 2.0 cubic feet per second for stock raising purposes.

34

The Umatilla Army Depot holds certificates of water rights for wells authorizing the diversion of 6.19 cubic feet per second from the deep basalt aquifers for fire protection and 0.5 cubic foot per second for domestic use. The wells in the compound deriving water from the upper basalt units have water rights for the appropriation of 2.02 cubic feet per second for fire protection, 0.78 cubic feet per second for domestic use, and 0.34 cubic feet per second for irrigation use. The use for fire protection in the Depot area is limited to maintaining the fire suppression systems and to periods of actual fire emergency.

35

The capital investment in irrigation facilities for each ranch varies substantially with the type and time of installation. In all cases the systems are quite extensive and cost many thousands of dollars for just those facilities (wells, pumps, meters, pipelines, and

sprinklers) directly related to applying water to the lands. Some estimates of losses are set forth by Hadley Akin's as Representative for the U. S. National Bank in Exhibit No. 5. For purposes of this order the detailed dollar amounts are not material but it does show relative figures and the relationship to the economy of the community. The economic loss to any rancher who must cease use of his irrigation system will be very substantial. In addition, substantial economic loss can occrue to the community from the secondary business effects in equipment fertilizers, etc, as well as additional employment.

36

The planning commissions of Morrow County and Umatilla County have developed comprehensive plans for development of the areas included within the Ordnance ground water area. Each county does have the legal mechanism to control the overdevelopment of the area for residential use with the possible resulting overdevelopment of the available ground water supply.

37

Evidence and testimony made a part of the record indicates that the irrigation season in the Ordnance ground water areas generally extends from early March until mid October of each year.

CONCLUSIONS

1

Water levels in wells developing water from the alluvial sediments overlying the basalts in the Ordnance gravel ground water area have declined at an average rate of approximately 1.6 feet per year. The decline of water levels in shallow gravel wells in the area has developed into a serious decline problem. The long term decline of water levels clearly indicates that artificial discharge from the alluvial aquifer system by withdrawals of ground water by wells is greatly exceeding natural recharge to the aquifer.

2

As the result of the decline of water levels within the alluvial sediments, only about 25 feet of the alluvium remains in a saturated condition for use by the majority of wells in the Lost Lake-Depot area (Sections 2, 3, 4, 5, and 6 of Township 3 North, Range 27 East, W.M., and Sections 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of Township 4 North, Range 27 East, W.M.). Some wells in the area have less than 15 feet of saturated alluvium remaining.

3

Without some curtailment of withdrawals of ground water from the alluvial sediments in the Lost Lake-Depot area to effectuate a balance of withdrawals of water with recharge to the alluvial aquifer system water levels in the gravel wells will continue to decline with the ultimate failure of many of the wells in the area in the very near future.

4

The water levels in the shallow gravel wells in the Westland Road area (Sections 12, 13, 24, 25, and 36 of Township 4 North, Range 27 East, W.M.; and Sections 7, 18, 19, and 31 of Township 4 North, Range 28 East, W.M.; and those parts of Sections 8, 9, 16, 17, 20, and 30 of Township 4 North, Range 28 East, W.M., lying west of the Umatilla River) have displayed average rates of water level decline similar to those in the shallow gravel wells in the Lost Lake-Depot area. The remaining saturated alluvium underlying the Westland Road area, however, is approximately 50 feet thick. Wells in the area are not subject to failure or substantial reduction in yield at this time. It may become necessary to impose restrictions on withdrawals of water based on relative priorities from these wells at some future date.

5

The withdrawals of water from the shallow gravel wells in the Westland Road area in quantities presently being used have not shown

a significant hydraulic influence upon shallow wells in the Lost Lake-Depot area. It further appears that continued use at the present rate will not significantly change this influence. The slope of the water table and the lensing out of permeable units in the alluvial sediments between the Lost Lake-Depot and the Westland Road area indicates that the hydraulic conductivity between the two areas is very low. However, additional development of ground water in the Westland Road area by additional wells with resulting increased pumpage from the aquifer system could ultimately produce a change in the hydraulic gradient and result in increased depletion in the quantity of ground water in the Lost Lake-Depot area.

6

Wells producing from the shallow gravel aquifer near the Columbia River in Township 5 North, Ranges 26 and 27 East, W. M., have not shown appreciable water level declines. The withdrawals of water from these wells have no hydraulic effect upon the shallow gravel wells in the Lost Lake-Depot and the Westland Road areas.

7

To properly provide for the public welfare, safety, and health, the rights to appropriate ground water and priority therefrom must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this, further development of the alluvial aquifer system must be prohibited within the Ordnance gravel ground water area by additional wells except for those which are exempt from filing for water rights in accordance with ORS 537.545:

> " * * * for stockwatering purposes, for watering any lawn or noncommercial garden not exceeding one-half acre in area, for single or group domestic purposes in an amount not exceeding 15,000 gallons a day or for any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day. * * * * "

To prevent the ultimate and almost immediate failure of many of the wells producing from the alluvial aquifer system within the Lost Lake-Depot

area, it will be necessary to substantially reduce the amount of ground water withdrawals by shallow gravel wells in the area to balance overall pumping withdrawals with recharge.

8

Toward this end it will also be necessary to reject the following pending applications for permits to appropriate ground water from shallow gravel wells within the Ordnance Gravel Critical Ground Water Area: G-5761, G-5932, G-5936, G-6023, G-6040, G-6058, G-6196, and G-6225.

9

Application G-5598 in the name of Hansell Brothers, Inc., for permit to appropriate ground water for the supplemental irrigation of 1724.2 acres proposes manifolding five wells together by a common pipeline for supplemental irrigation of various acreages with no increase in withdrawals of ground water. This could best be achieved by an application for change in points of diversion. The present application should not be approved but the applicant should be permitted to amend his application to cover the proposed change in points of diversion and place of use that may be desirable in view of other provisions of this order. In view of these changes he should be permitted six months in which to make such amendments. Similarily, application G-5449 in the name of Georgia Belle Holzapfel for permit to appropriate ground water for the supplemental irrigation of 160.0 acres proposes manifolding four wells together by a common pipeline for supplemental irrigation of various acreages with no increase in withdrawals of ground water. This application should be treated in a like manner with six months in which to amend said application to cover the necessary changes in points of diversion and place of use.

10

Application G-5947 is for the appropriation of 0.4 cubic feet per minute from a shallow dug well near the Umatilla River in the

NW¼ SW¼ of Section 20, Township 4 North, Range 28 East, W.M., for the irrigation of 31.7 acres. Ground water in this particular location is in hydraulic connection with surface water within the river. The use of this well will not harm existing ground water rights. The application should be approved providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

11

Application G-5026, Marvin and Frances McDole; G-5209, Hansell Bros., Inc.; G-5362, Thurman Martin; G-5397, LeRue Pollock; G-5449, Georgia Belle Holzapfel; G-5567, Fred Haskins, Jr.; and G-5684, Elroy F. McDole, for the proposed irrigation of additional acreages were filed in the office of the State Engineer and held without approval for a variety of reasons. Subsequently a number of applications were approved. These applications that were held and the ones with later priorities that were approved were filed at the time decisions were being made on withholding further approvals. Since these pending applications have earlier dates of filing than those that were approved, the applicants should be given the opportunity to withdraw the application or have them approved by the issuance of a permit even though other provisions of the final critical ground water order may require them to be shut off. In view of the other provisions, these applicants should be afforded 60 days in which to determine which course of action should be followed.

12

Application G-6069, Lamb-Weston, Inc., for the appropriation of ground water from the shallow alluvial aquifer system for industrial purposes should be considered for approval for emergency stand-by purposes only. If it is desired to operate it on a continuous basis, then an application for a change in point of diversion from well No. 1 or 2 should be submitted.

13

Recharge to the alluvial aquifer system within the Lost Lake-Depot area from all sources is estimated to average approximately 6,000 acre feet of water per year. To effectuate a balance of discharge to recharge within the system it would theoretically be necessary to limit pumping withdrawals to this same amount. Until estimates of recharge are further refined, pumping withdrawals from wells producing ground water from the alluvial sediments in the area should be limited to an actual diversion not to exceed 9,000 acre feet per year. Water levels and pumping records should be evaluated at the end of each year of imposed restriction to determine the effectiveness of the limitation of water use and to determine if additional reductions should be made. It is estimated that in an average year a total diversion of 9,000 acre feet would cover all rights up to Item No. 24 and would partially cover Item No. 25 as listed on Table No. 1.

14

It was requested during the hearing that restrictions of pumpage withdrawals from wells in the Ordnance gravel ground water area not be imposed until after an investigation and evaluation of the effect of possible recharge to the alluvial aquifers by continued sprinkler irrigation of acreages by existing irrigation systems presently importing surface water by pipeline from the Columbia River. Records of the Water Resources Department show that such irrigation is principally within Townships 3 and 4 North, Range 26 East, W. M., and partly within the NW¼ of Township 3 North, Range 27 East, W. M. Altitudes of water levels as shown on Plate 3 (attached) indicate that continued irrigation by imported surface water in most of the areas presently being irrigated will not directly recharge the shallow aquifer system and will not appreciably affect the ground water within the Lost Lake-Depot and Westland Road areas. The application of surface water imported into an area witin the NW¼ of Township 3 North, Range 27 East, W.M. for

irrigation purposes could possibly contribute small quantities of water to recharge the alluvial aquifer in the Lost Lake-Depot area provided that flood irrigation methods were used. Sprinkler irrigation, however, as presently used is not expected to contribute appreciable quantities of recharge waters to the aquifer system.

15

B. Basalt Aquifers: Ordnance Basalt Ground Water Area

Water levels in wells developing water from deep basalt zones within the Ordnance basalt ground water area have shown an annual decline of 5 to 7 feet per annum over the past several years. Pumping lifts in these wells are relatively high. These conditions do not justify a reduction in diversion rights from the deep basalt wells in the area at this time. There is no evidence to indicate the present water level declines in deep basalt wells have substantially harmed existing rights or have unduely affected pumping yields of wells in the area. Some curtailment of withdrawals of water, may become necessary in the future.

16

To properly provide for the public welfare, safety, and health, the rights to appropriate ground water from the deep and shallow ground water zones within the basalt formation within the Ordnance basalt ground water area as delineated in Plate 1 must be acknowledged and protected and reasonably stable ground water levels must be determined and maintained. To accomplish this further development of the shallow or deep aquifer system must be prohibited within the basalts of the delineated area by additional wells which are not exempt from filing for water rights in accordance with ORS 537.545.

17

Application G-5437 in the name of Avery Taylor covers a development made in 1971 of a well 173 feet deep into the upper basalt zone in the

northern part of the area. The amount of water used has not substantially effected any other water users. Continued use of this well at its present rate will not significantly effect other rights and should therefore be approved.

18

Application G-5565 for the appropriation of ground water from the upper basalt aquifer system in the NW¼ SW¼ of Section 26, Township 5 North, Range 26 East, W.M., was withdrawn in 1974 because of insufficient water. The well has been capped for possible future use for stock water or domestic purposes.

19

During the hearing many witnesses observed that the recommendations proposed in Ground Water Report No. 23 to restrict the construction of additional wells to lot sizes of 10 acres or more in area within the aforesaid ground water area for stock watering purposes and for single family domestic purposes only were too severe and would produce an unnecessary economic hardship for many individuals in the area. The Umatilla and Morrow County governments have the legal authority to properly plan and zone the Ordnance ground water area to control land use development including the recommendations that wells for individual domestic use should normally be restricted to homesites of 10 acres or more.

20

Economic losses or additional costs will accrue to the community and certain individuals in the area as a result of the overdevelopment. This will be true whether use of water under junior rights is curtailed for protection of prior rights, an alternate system importing water from outside sources is constructed, or the ground water supply is exhausted. The last alternative, which would result from failure to take any corrective action is probably the most costly since it would detrimentally affect all users and ultimately stop virtually all irrigation use. Pertinent parts of the law relating to policy reads as follows:

ORS 537.525 (2) "Rights to appropriate ground water and priority thereof to be acknowledged and protected, except when, under certain conditions, the public welfare, safety and health require otherwise.

"(3) Beneficial use without waste, within the capacity of available sources, be the basis, measure and extent of the right to appropriate ground water.

"(7) Reasonably stable ground water levels be determined and maintained.

"(8) Depletion of ground water supplies below economic levels, impairment of natural quality of ground water by pollution and wasteful practices in connection with ground water be prevented or controlled within practicable limits".

The order declaring a critical ground water area is provided for in ORS 537.735. Corrective control provisions which may be included are set forth in subsection 3:

ORS 537.735 (3) "The order of the State Engineer may include any one or more of the following corrective control provisions:

(a) A provision closing the critical ground water area to any further appropriation of ground water, in which event the State Engineer shall thereafter refuse to accept any application for a permit to appropriate ground water located within such critical area.

(b) A provision determining the permissible total withdrawal of ground water in the critical area each day, month or year, and, in so far as may be reasonably done, the State Engineer shall apportion such permissible total withdrawal among the appropriators holding valid rights to the ground water in the critical area in accordance with the relative dates of priority of such rights.

(c) A provision according preference, without reference to relative priorities, to withdrawals of ground water in the critical area for domestic and livestock purposes first, and thereafter other beneficial purposes, including agricultural, industrial, municipal other than domestic and recreational purposes, in such order as the State Engineer deems advisable under the circumstances.

(d) A provision reducing the permissible withdrawal of ground water by any one or more appropriators or wells in the critical area.

(e) Where two or more wells in the critical area are used by the same appropriator, a provision adjusting the total permissible withdrawal of ground water by such appropriator, or a provision forbidding the use of one or more of such wells completely.

(f) A provision requiring the abatement, in whole or in part, or the sealing of any well in the critical area responsible for the admission of polluting materials into the ground water supply or responsible for the progressive impairment of the quality of the ground water supply by dispersing polluting materials that have entered the ground water supply previously.

(g) A provision requiring and specifying a system of rotation of use of ground water in the critical area.

(h) Any one or more provisions making such additional requirements as are necessary to protect the public welfare, health and safety in accordance with the intent, purposes and requirements of ORS 537.505 to 537.795.

It is very clear from a reading of the entire Ground Water Act that the legislature intended that the State of Oregon's system of appropriation in accordance with relative dates of priority, which has been firmly established for surface water, be the guiding principle to be followed in administering the Ground Water Law. However, it appears that the overall public benefit would justify some loss to prior rights in order to phase in the curtailments of use. In virtually all instances crops have been planted and fertilizers applied for the current year. To prevent any use during this (1976) season would cause unreasonable hardships. Provisions curtailing use of water to less than that authorized by respective water rights should not be made effective until after the 1976 irrigation season.

21

Accurate pumpage data on total ground water withdrawals from the alluvial aquifer system and timely water level data, from all non-exempt wells within the overall Ordnance gravel ground water area and the overall Ordnance basalt ground water area as delineated on Plate 1 (attached), are necessary to finalize quantitative determinations of the storage capacity of these ground water bodies. All wells authorized to continue use under their ground water rights within each of the aforesaid ground water areas should be equipped with totalizing water meters of a type approved by the Water Resources Department and should be provided with adequate,

measuring ports or systems so that accurate water level measurements can be made at any time.

22

All meters, measuring systems, and control valves installed for use should be subject to inspection and approval by the Water Resources Department. Such approval should be not only a requirement of the initial installation but should also be required when such meters, measuring systems, and control valves are replaced or repaired.

23

The withdrawals of ground water from all wells authorized to continue use under their ground water rights in the overall Ordnance gravel ground water area and the overall Ordnance basalt ground water area should be monitored and regulated closely by the Water Resources Department throughout each pumping season.

24

An irrigation season beginning March 10th and ending October 15th of each calendar year should be established since water can be applied to beneficial use for irrigation during this period. The withdrawal of ground water for irrigation purposes prior to the beginning and after the closing date of this season should be prohibited.

ORDER

1

NOW THEREFORE, IT IS ORDERED that the Ordnance shallow alluvial aquifer is herewith declared a critical ground water area and is to be known as "The Ordnance Gravel Critical Ground Water Area". The area of the critical ground water area, which is shown on Plate 1, is declared as follows:

> All of Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 of Township 3 North, Range 26 East; Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 4 North, Range 26 East; the north one-half of Township 3 North, Range 27 East; all but Sections 1 through 6 of Township 4 North, Range 27 East; Sections 6, 7, and 18 of Township 3 North, Range 28 East; and Sections 7, 18, 31, and

those areas of Sections 8, 9, 16, 17, 19, 20, and 30 of Township 4 North, Range 28 East, lying to the west of the Umatilla River.

It shall include all water contained in the ground water reservoir of the alluvial sediments overlying the basalt formation in the area and regulation shall be imposed on all users therefrom.

2

It is FURTHER ORDERED that the Ordnance Gravel Critical Ground Water Area is closed to further appropriation of ground water. Applications for permits to appropriate ground water from the shallow alluvial aquifer system within the boundaries of the critical ground water area will not be accepted.

3

It is FURTHER ORDERED that the appropriation of ground water from the alluvial aquifer system within the Lost Lake-Depot sub-area of the Ordnance Gravel Critical Ground Water Area, is hereby restricted to an average annual appropriation of 9,000 acre feet per year. The distribution of water from wells in the sub-area is to be based on the relative date of priority of the water rights of the appropriators. The aforesaid withdrawal limitation within the sub-area shall become effective at the end of the 1976 irrigation season but in any event not later than October 15, 1976.

4

It is FURTHER ORDERED that pending applications numbers G-5026 in the name of Marvin and Frances McDole; G-5209, Hansell Bros. Inc.; G-5362, Thurman Martin; G-5397, LeRue Pollock; G-5567, Fred Haskins, Jr.; G-5684, Elroy F. McDole be given the opportunity to withdraw the aforesaid applications or request within 60 days of the date of this order that they be approved even though other provisions of this order may subsequently require them to be shut off.

5

It is FURTHER ORDERED that pending applications G-5449 in the name of Georgia Belle Holzapfel and G-5598 in the name of Hansell Bros., Inc.

will be held for six months during which the applicants may file amendments to request changes in points of diversion and/or changes in places of use. If the applications are not so amended, they will be rejected.

6

It is FUTHER ORDERED that applications G-5761 in the name of John L. King; G-5932, Lyle and Jane K. Smith; G-5936, Bert H. Quick; G-6023, LeRue W. Pollock; G-6040, George H. Barton; G-6058, Edgar S. and Elmo C. Bloom; G-6196, Mrs. John W. Rice; and G-6225, Woodrow Walker are rejected effective October 15, 1976.

7

It is FURTHER ORDERED that pending application G-6069 in the name of Lamb-Weston, Inc. be approved with a priority as of the date of filing for use for industrial purposes for stand-by emergency use only providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

8

It is FURTHER ORDERED that pending application G-5947 in the name of Benjamin Newman shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620.

9

It is FURTHER ORDERED that the Ordnance basalt aquifer is herewith declared a critical ground water area and is to be known as "The Ordnance Basalt Critical Ground Water Area". The boundary of the critical ground water area, which is shown on Plate 1, is described as follows:

> Beginning at the township line common to Township 5 North, Range 27 East, W.M., and Township 5 North, Range 28 East, W.M., and its intersection with the south bank of the Columbia River thence south along said common township line and south along the township line common to Township 4 North, Range 27 East, W.M., and Township 4 North, Range 28 East, W.M., to the intersection with the northeast corner

of Section 1, Township 3 North, Range 27 East, W.M., and the northwest corner of Section 6, Township 3 North, Range 28 East, W.M., thence south along the Section line common to said sections to the intersection with the southeast corner of said Section 1 and the southwest corner of said Section 6, thence southwesterly to the southeast corner of Section 34, Township 3 North, Range 27 East W.M., thence west along the township line common to Townships 2 and 3 North, Ranges 26 and 27 East, W.M., to a corner in common with Section 1, Township 2 North, Range 25 East, W.M.; Section 6, Township 2 North, Range 26 East, W.M.; Section 36, Township 3 North, Range 25 East, W.M., and Section 31, Township 3 North, Range 26 East, W.M., thence north along township lines in common with Townships 3, 4, and 5 North, Ranges 25, and 26 East, W.M., to its intersection with the south bank of the Columbia River, thence east along the south bank of the Columbia River to the point of beginning.

It shall include all water contained in the shallow or deep ground water zones of the basalt aquifer system and regulation shall be imposed on all uses therefrom.

10

It is FURTHER ORDERED that the Ordnance Basalt Ground Water Area is closed to further appropriation of ground water. Applications for permits to appropriate ground water from the basalt aquifer system within the boundaries of the critical ground water area will not be accepted.

11

It is FURTHER ORDERED that pending application number G-5437 in the name of Avery Taylor to appropriate ground water from the upper basalt aquifer system shall be approved with a priority as of the date of filing providing the application is completed in the form and contents as set forth in ORS 537.615 within a reasonable length of time as provided by ORS 537.620 and further providing that the depth of the well be limited to a depth of not more than 173 feet.

12

It is FURTHER ORDERED that pending application G-5565 in the name of Desert Farms, Inc. and application G-4510 in the name of Jane Miller for the appropriation of ground water from the basalt aquifer system are rejected.

13

It is FURTHER ORDERED that the owners or operators of all wells within the Ordnance Gravel Critical Ground Water Area and the Ordnance

Basalt Critical Ground Water Area other than wells used for exempted purposes as set forth in ORS 537.545 (Paragraph 7, Conclusions), shall equip their wells with totalizing water meters, control valves and adequate water level measuring facilities, prior to any withdrawal of ground water after June 1, 1976. Any well not equipped with the required meter, control valve and water level measuring facilities shall be regulated by the watermaster and taken out of service until the required works are installed and operating properly. The type and installation of said meters, control valves and water level measuring facilities shall be subject to authorized meter specifications and approval of the Director. Each well owner or operator shall maintain an accurate monthly record of the amount of ground water withdrawn from each well. A copy of these water use records shall be forwarded to the Water Resources Department prior to December 1 of each calendar year on forms furnished by the Director.

14

It is FURTHER ORDERED that the irrigation season in the Ordnance Basalt Critical Ground Water Area and in the Ordnance Gravel Ground Water Area shall extend from March 10th to October 15th of each calendar year.

15

It is FURTHER ORDERED that the watermaster shall regulate the control works on all wells in the above described Ordnance Gravel Critical Ground Water Area and the above described Ordnance Basalt Critical Ground Water Area other than those wells whose use of ground water is specifically exempted under ORS 537.545, so that the rate and total quantity of ground water withdrawn does not exceed that allowed under their ground water right certificates or permits. At all times the system shall be operated to prevent the waste of water. The procedure for regulating and posting such changes shall be as set forth in ORS 540.040.

16

It is FURTHER ORDERED that all unlawful diversions of ground water within each of the aforesaid critical ground water areas shall cease.

To this end, the watermaster shall investigate all known or reported violation of ORS 537.535 and shall regulate the control works of all wells found to be operating in violation of ORS 573.535 so as to prevent such violation.

17

It is FURTHER ORDERED that an annual evaluation of the ground water supply in the Ordnance Gravel Critical Ground Water Area and the Ordnance Basalt Critical Ground Water Area be made by the Water Resources Department for the purpose of evaluating the effectiveness of the control provisions set forth in this order. If it is found that the control provisions set forth in this order are not sufficient and that additional reductions in the annual withdrawal of ground water from the alluvial ground water system or from the basalt ground water system are necessary to maintain a reasonably stable ground water level, such reductions shall be ordered in accordance with the relative dates of priority of the water rights of the appropriators from each ground water aquifer system.

Dated at Salem, Oregon this 2nd day of April, 1976.

JAMES E. SEXSON
Director

ORDNANCE GROUND WATER AREA
BASALT AQUIFERS

TABLE II

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
90.	Umatilla Army Depot	1/5/65	G-3007	G-2826	33779	4N/27E-22cad	2.00 Fire Protec.				327
							0.34	27.0	81.0	7296.9	
91.	Umatilla Army Depot	1/5/65	G-3008	G-2827	33988	4N/27E-18cdb	1.11 Fire Protec.				618
92.	Umatilla Army Depot	1/5/65	G-3009	G-2828	33765	4N/27E-19abb	1.11 Fire Protec.				600
93.	Umatilla Army Depot	1/5/65	G-3010	G-2829	33766	4N/27E-5baa	1.72 Fire Protec.				682
94.	Umatilla Army Depot	1/5/65	G-3011	G-2830	33989	4N/27E-8dad	10 GPM Fire Protec.				453
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.43	312.1	960.0	8233.2	80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108 Dkr
23-C						3N/27E-4bcc					112 Dkr
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcx					Dkr
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8			117
28-A						4N/27E-36abb					187
28-B						4N/27E-36aab					213
28-C						4N/27E-36adc					185
95.	C. E. Newquist	12/18/67	G-4162	G-3913	42842	5N/27E-30ccc	0.16	12.5	360.0	8720.1	400
96.	City of Irrigon	8/5/68	G-4534	G-4269	42328	5N/27E-19ccb	0.27				317
97.	Vern K. Evans	12/27/68	G-4744	G-4478	42252	5N/27E-20add	0.04	3.2	13.1	8729.7	300
98.	R. W. Reppert	2/18/69	G-4795	G-4520		5N/26E-26bcd	0.46	36.5	109.5	8839.2	235
99.	Fred Andrews	4/29/70	G-5099	G-4833		4N/27E-31aab	8.0	640.0	1920.0	10759.2	200
100.	Avery Taylor	3/1/71	G-5437			5N/26E-25cdb	0.5	26.0	78.0	10837.2	173
101.	Desert Farms, Inc.	7/6/71	G-5565			5N/26E-26cba	1.51	120.6	361.8	11199.0	250
102.	Wayne H. Schnell	7/2/73	G-6201	G-5248		5N/27E-30cac	1.44	118.0	354.0	11553.0	300

ORDNANCE GROUND WATER AREA
BASALT AQUIFERS

TABLE II

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
71.	Oregon-Washington RR	4/17/46	U-199	U-181	15174	4N/27E-20cbc	0.67				457
72.	Umatilla Army Depot	12/19/52	U-571	U-522	30524	4N/27E-5abb	2.26				710
5.	Georgia B. Holzapfel	3/16/53	U-572	U-523	22888	4N/27E-32aca	0.61	49.0	147.0	147.0	123
5-A						4N/27E-32dxx					310
6.	Roy Gail Holzapfel	3/16/53	U-573	U-524	22889	4N/27E-32aca	0.61	49.0	147.0	294.0	123
6-A						4N/27E-32dxx					310
73.	Leota Nell Martin	4/3/53	U-580	U-530	31097	3N/27E-8aad	0.25	20.0	60.0	354.0	725
74.	Ernest R. Cramer	4/27/53	U-596	U-549	31194	3N/26E-10cca	0.25	20.0	60.0	414.0	666
75.	Waldo H. Cramer	4/28/53	U-600	U-551	31195	3N/26E-10aca	0.25	20.0	60.0	474.0	544
76.	G. W. Redwine	8/9/54	U-736	U-649	23740	4N/27E-36bca	0.50	40.0	120.0	594.0	194
77.	Ernest J. Royster	8/3/55	G-94	G-48	26170	3N/27E-4ddb	0.93	74.6	223.8	817.8	185
78.	Umatilla Army Depot	1/27/58	G-848	G-1017	30525	4N/27E-5baa	0.50				682
79.	Waldo H. Cramer	8/27/58	G-1224	G-1070	34382	3N/26E-10aca	1.89	151.2	453.6	1271.4	544
80.	Luther W. Cramer	3/2/59	G-1402	G-1319	41879	3N/26E-4cac	1.19 (3/2/59) 1.75 (4/7/59)	219.5	960.0	1778.0	623
80-A						3N/26E-4dbc					Not Drilled
81.	Mildred F. Cramer	3/6/59	G-1411	G-1284	41878	3N/26E-4aad	1.19	283.5 Prim. 4.5 Supp.	960.0	2276.7	680
81-A						3N/26E-4bad					No Log
82.	Ernest Cramer	3/11/59	G-1413	G-1322	34276	3N/26E-[illegible]cca	2.68	274.8	824.4	3101.1	666
83.	Hansell Bros.	6/28/60	G-1778	G-1671	35395	4N/27E-27dad	2.02	1.8	5.4	3106.5	543
84.	Frank L. Warren	12/19/60	G-1896	G-1738	34282	3N/26E-14acd	4.0	320.0	960.0	4066.5	551
85.	Leota Nell Martin	10/2/61	G-2125	G-1965	34280	3N/27E-8aad	2.68	300.0	900.0	4966.5	725
86.	Sabre Corporation	2/8/62	G-2229	G-2049	31196	3N/26E-5cbd	3.5	322.8	968.4	5934.9	950
87.	Sabre Corporation	8/9/63	G-2678	G-2489	33864	3N/26E-5cbd	2.0	160.0	480.0	6414.9	950
88.	Hansell Bros.	6/5/64	G-2881	G-2672	35396	4N/27E-27cad	3.34	267.0	801.0	7215.9	543
89.	Umatilla Army Depot	1/5/65	G-3006	G-2825	33778	4N/27E-22dbc	0.78				360

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
52.	Arnold Braat	8/3/71	G-5590	G-4932		4N/27E-20ccc	6.58	526.6	1579.8	25001.0	173
52-A						4N/27E-20cdc					Not Drilled
53.	Hansell Bros., Inc.	8/12/71	G-5598			4N/27E-28acd	21.6	1724.2 Supp.			126
53-A						4N/27E-28ddc					127
53-B						4N/27E-28dad					107
54.	J. W. Aylett	11/16/71	G-5549	G-4929		4N/27E-28bab	0.90	72.18	216.6	25217.6	110
54-A		for 0.68 cfs 12/3/71 for 0.25 cfs				4N/27E-28bdb					119
55.	Elroy F. McDole	12/13/71	G-5684			4N/27E-28cdd	4.0	310.0	930.0	26147.6	124
56.	Lamb-Weston, Inc.	1/21/72	G-5681	G-4947		4N/28E-19caa	3.3				110
57.	Ronald Baker	1/25/72	G-5710	G-4944		4N/27E-24aca	0.48	39.4	118.2	26265.8	151
58.	Lamb-Weston, Inc.	2/3/72	G-5720	G-4948		4N/28E-19cac	3.02				137
59.	Malcolm Skinner	2/25/72	G-5734	G-5034	42273	4N/28E-19bcd	0.125	10.0	30.0	26295.8	126
60.	Bert H. Quick	3/1/72	G-5738	G-4972		4N/28E-20bbc	1.0	80.0	240.0	26535.8	
61.	John L. King	3/24/72	G-5761			4N/27E-26ddx	0.91	72.5	217.5	26753.3	
62.	Lyle W. & Jane K. Smith	11/2/72	G-5932			4N/27E-26acb	1.44	115.0	345.0	27098.3	
63.	Bert H. Quick	11/7/72	G-5936			4N/28E-20bbc	0.5	26.0	78.0	27176.3	
64.	Benjamin J. Newman	11/29/72	G-5947			4N/28E-20cab	0.4	31.7	95.1	27271.4	20
65.	LeRue W. Pollock	3/9/73	G-6023			4N/28E-31abb	0.5	18.0 Prim. 114.1 Supp.	29.0 183.85	27496.6	
66.	George H. Barton	3/15/73	G-6040			4N/28E-31bca	1.6	127.86	383.58	27880.2	Proposed 191
67.	Lamb-Weston, Inc.	4/12/73	G-6069			4N/28E-30bad	2.67				98
68.	Edgar S. & Elmo C. Bloom	6/12/73	G-6058			4N/28E-19dda	0.35	16.6 Prim. 10.4 Supp.	49.8	27930.0	90
69.	Mrs. John W. Rice	6/29/73	G-6196			4N/28E-17bbd	0.84	67.0	201.0	28131.0	Proposed 115
70.	Woodrow Walker	7/12/73	G-6225			4N/28E-18dbd	0.7	55.0	165.0	28296.0	102

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

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35.	Malcolm Skinner	3/25/68	G-4291	G-4039	38482	4N/27E-13dbd	0.17	13.8	41.4	14350.1	97
36.	Tom Quick	3/28/68	G-4306	G-4067	42339	4N/28E-20bdd	0.21	16.4	49.2	14399.3	14
37.	E. T. Johnson	6/3/68	G-4427	G-4171		4N/27E-25dab	0.50	47.7	143.1	14542.4	88
38.	Francis F. McDole	6/21/68	G-4452	G-4395		4N/27E-33aac	4.92	393.3	1179.9	15722.3	120
38-A						4N/27E-33bab					Not Drilled
38-B						4N/27E-33bdb					Not Drilled
39.	Howard Gass	11/21/68	G-4694	G-4413		4N/28E-17cbb	1.35	36.5 Prim. 71.8 Supp.	109.5 215.4	15939.5	105
40.	Marvin & Frances McDole	10/31/69	G-5026			4N/27E-33aac	3.0	239.0	717.0	16656.5	120
40-A						4N/27E-33bab					Not Drilled
40-B						4N/27E-33bdb					Not Drilled
41.	Thurman Martin	12/30/69	G-5065	G-4775		4N/28E-19caa	1.25	60.0	180.0	16836.5	99
42.	Hansell Bros., Inc.	1/9/70	G-5209			4N/27E-26bcb	19.88	697.0 Prim. 893.8 Supp.	2091.0	18927.5	108
42-A						4N/27E-27bcd					121
42-B						4N/27E-27cab					135
42-C						4N/27E-27bda					104
42-D						4N/27E-26bca					105
43.	Elroy F. McDole	2/20/70	G-5112	G-4821		4N/27E-33dba	0.88	70.0	210.0	19137.5	113 (Abn)
44.	W. M. Huddleston	3/10/70	G-5123	G-4861		4N/27E-13aad	0.96	77.0	231.0	19368.5	101
45.	Donald Clark Key	3/31/70	G-5145	G-4878		4N/27E-30ddd	6.68	313.7 Prim. 312.1 Supp.	941.1	20309.6	115
45-A						4N/27E-30ddd					121
46.	Thurman Martin	11/16/70	G-5362			4N/28E-19caa	0.5	40.0	120.0	20429.6	99
47.	LeRue W. Pollock	1/12/71	G-5397			4N/28E-30dcc	0.33	26.0	78.0	20507.6	40
48.	Georgia B. Holzapfel	3/8/71	G-5449			4N/27E-32aca	2.0	160.0 Supp.			123
49.	Lyle W. Smith	3/12/71	G-5460	G-4844		4N/27E-26acb	1.4	112.0	336.0	20843.6	No Log
50.	Clarence W. Ruddell	5/11/71	G-5413	G-4931		4N/27E-19ccb	2.7	219.2	657.6	21501.2	112
50-A						4N/27E-19cda					Not Drilled
51.	Fred Haskins, Jr.	7/9/71	G-5567			4N/27E-29aac	8.0	640.0	1920.0	23421.2	Not Drilled
51-A						4N/27E-29bac					Not Drilled
51-B						4N/27E-29cac					Not Drilled
51-C						4N/27E-29dac					Not Drilled

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
21.	Frances F. McDole	4/10/64	G-2831	G-2822		4N/27E-33adc	4.82	393.3	1179.9	8976.6	96
21-A						4N/27E-34bbb					97 (Abn)
21-B						4N/27E-34bac					125 (Abn)
22.	E. F. McDole	2/4/65	G-3029	G-2782	34281	4N/27E-33cba	1.00	80.0	240.0	9216.6	97
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.23	312.1	936.3	10152.9	80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108 (Abn)
23-C						3N/27E-4bcc					112 (Abn)
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200 (Abn)
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcx					(Abn)
24.	Hansell Bros., Inc.	5/16/66	G-3408	G-3197		4N/27E-28acd	2.60	136.8	410.4	10563.3	126
24-A						4N/27E-28ddc					127
25.	Roy Gail Holzapfel	3/20/67	G-3853	G-3629		4N/27E-32aab	2.0	160.0	480.0	11043.3	106
25-A						4N/27E-32aba					104
26.	David C. Ralston	7/13/67	G-3991	G-3745	38390	4N/28E-8acc	0.06	4.7 Supp.	14.1	11050.4	
27.	Edgar Bloom	9/13/67	G-4077	G-3868	41941	4N/28E-19ddb	0.145	11.6 Supp.	34.8	11067.8	
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8	449.4	11517.2	117
28-A						4N/27E-36abb					187
28-B						4N/27E-36aab					213
28-C						4N/27E-36adc					185
29.	Woodrow Walker	10/9/67	G-4103	G-3851	39464	4N/28E-18dbd	2.88	230.0	690.0	12207.2	102
30.	Roy Gail Holzapfel	11/22/67	G-4140	G-3889		4N/27E-32baa	2.0	160.0	480.0	12687.2	111
31.	Marvin & Frances McDole	11/28/67	G-4144	G-3892		4N/27E-34bbb	4.85	389.5 Supp.			97 (Abn)
32.	Thomas E. Huddleston	1/23/68	G-4201	G-3966	38737	4N/28E-18cba	0.30	24.0	72.0	12759.2	93
33.	Hansell Bros., Inc.	2/15/68	G-4231	G-3822		4N/27E-27dad	5.0	320.0 Prim. 260.7 Supp.	960.0	13791.2	140
33-A						4N/27E-27bcd					121
33-B						4N/27E-27cab					135
33-C						4N/27E-35cxx					Not Drilled
34.	Malcolm Skinner	2/23/68	G-4246	G-4006	38481	4N/28E-19bcd	2.46	196.5	589.5	14308.7	126

ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

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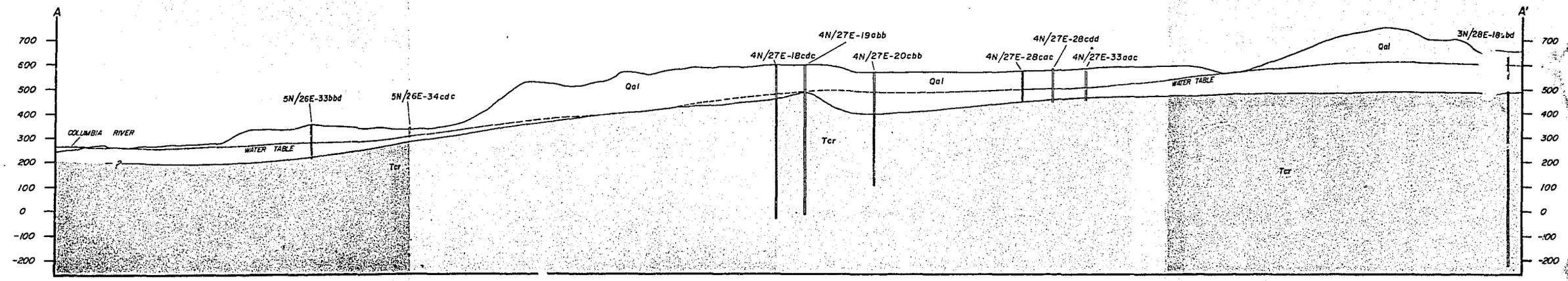
21.	Frances F. McDole	4/10/64	G-2831	G-2822		4N/27E-33adc	4.82	393.3	1179.9	8976.6	96
21-A						4N/27E-34bbb					97 (Abn)
21-B						4N/27E-34bac					125 (Abn)
22.	E. F. McDole	2/4/65	G-3029	G-2782	34281	4N/27E-33cba	1.00	80.0	240.0	9216.6	97
23.	Clark & Bernice Key	4/27/65	G-3092	G-2823	42526	3N/27E-4add	2.23	312.1	936.3	10152.9	80
23-A						3N/27E-4acc					88
23-B						3N/27E-4bdc					108 (Abn)
23-C						3N/27E-4bcc					112 (Abn)
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200 (Abn)
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcx					(Abn)
24.	Hansell Bros., Inc.	5/16/66	G-3408	G-3197		4N/27E-28acd	2.60	136.8	410.4	10563.3	126
24-A						4N/27E-28ddc					127
25.	Roy Gail Holzapfel	3/20/67	G-3853	G-3629		4N/27E-32aab	2.0	160.0	480.0	11043.3	106
25-A						4N/27E-32aba					104
26.	David C. Ralston	7/13/67	G-3991	G-3745	38390	4N/28E-8acc	0.06	4.7 Supp.	14.1	11050.4	
27.	Edgar Bloom	9/13/67	G-4077	G-3868	41941	4N/28E-19ddb	0.145	11.6 Supp.	34.8	11067.8	
28.	Dwight H. Hulet	10/4/67	G-3945	G-3702		4N/27E-36abb	1.86	149.8	449.4	11517.2	117
28-A						4N/27E-36abb					187
28-B						4N/27E-36aab					213
28-C						4N/27E-36adc					185
29.	Woodrow Walker	10/9/67	G-4103	G-3851	39464	4N/28E-18dbd	2.88	230.0	690.0	12207.2	102
30.	Roy Gail Holzapfel	11/22/67	G-4140	G-3889		4N/27E-32baa	2.0	160.0	480.0	12687.2	111
31.	Marvin & Frances McDole	11/28/67	G-4144	G-3892		4N/27E-34bbb	4.85	389.5 Supp.			97 (Abn)
32.	Thomas E. Huddleston	1/23/68	G-4201	G-3966	38737	4N/28E-18cba	0.30	24.0	72.0	12759.2	93
33.	Hansell Bros., Inc.	2/15/68	G-4231	G-3822		4N/27E-27dad	5.0	320.0 Prim. 260.7 Supp.	960.0	13791.2	140
33-A						4N/27E-27bcd					121
33-B						4N/27E-27cab					135
33-C						4N/27E-35cxx					Not Drilled
34.	Malcolm Skinner	2/23/68	G-4246	G-4006	38481	4N/28E-19bcd	2.46	196.5	589.5	14308.7	126

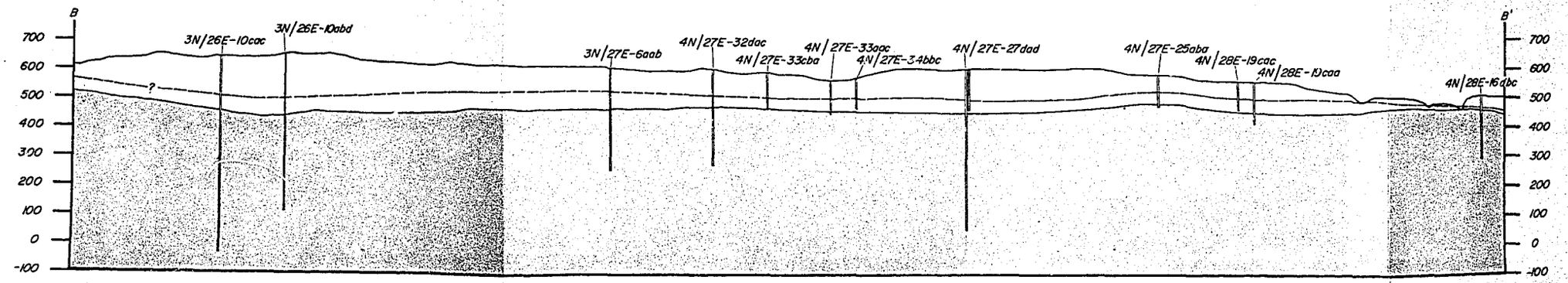
ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

TABLE I

No.	Record Holder	Priority Date	Appli. No.	Permit No.	Cert. No.	Well Location	Permitted Diversion cfs	Acreage	Max. Allow. ac. ft.	Cum. Rights ac. ft.	Well Depth
1.	M. M. McDole	6/2/50	U-365	U-336	20685	4N/27E-33adc	1.0	79.9	239.7	239.7	96
2.	E. F. McDole	11/1/50	U-398	U-363	20686	4N/27E-33dba	0.987	79.0	237.0	476.7	No Log
3.	Scott Chapman	12/15/52	U-544	U-497	26073	4N/27E-28bdb	1.0	80.0	240.0	716.7	119
4.	Sylvanus F. Hoyt	12/15/52	U-545	U-498	26192	4N/27E-28acd	1.0	80.0	240.0	956.7	126
5.	Georgia B. Holzapfel	3/16/53	U-527	U-523	22888	4N/27E-32aca	0.61	49.0	147.0	1103.7	123
5-A						4N/27E-32dxx					310 (Abn)
6.	Roy Gail Holzapfel	3/16/53	U-573	U-524	22889	4N/27E-32aca	0.61	49.0	147.0	1250.7	123
6-A						4N/27E-32dxx					310 (Abn)
7.	Scott Chapman	5/2/55	U-819	U-725	30019	4N/27E-28bdb	2.25	180.3	540.9	1791.6	119
7-A						4N/27E-28cbd					107
8.	Georgia B. Holzapfel	7/5/55	U-858	U-750	22907	4N/27E-32aca	0.23	18.0	54.0	1845.6	123
9.	Ronald Baker	8/26/55	G-111	G-73		4N/27E-24aca	3.40	272.2	816.6	2662.2	151
10.	Sylvanus F. Hoyt	9/26/55	G-139	G-100	26193	4N/27E-28acd	0.81	64.6	193.8	2856.0	126
11.	E. F. McDole	3/26/56	G-279	G-190	37054	4N/27E-33cbd	1.0	80.0	240.0	3096.0	111 (Abn)
12.	Georgia B. Holzapfel	12/27/56	G-534	G-466	30119	4N/27E-32aab	0.54	43.4	130.2	3226.2	106
13.	Clarence W. Ruddell	6/19/58	G-1011	G-2952		4N/27E-30bca	4.19	335.25	1005.8	4232.0	79
13-A						4N/27E-30abd					85
14.	Enriqueta Ruddell	6/19/58	G-1012	G-2953		4N/27E-30cca	4.2	335.75	1007.3	5239.3	118
14-A						4N/27E-30dca					115
15.	Marvin M. McDole	8/28/58	G-1222	G-1069	30133	4N/27E-34bbb	0.95	76.2	228.6	5467.9	97 (Abn)
16.	Roy G. & Georgia B. Holzapfel	6/28/60	G-1777	G-1625	31098	4N/27E-32aca	3.08	111.0 Prim. 159.4 Supp.	333.0	5800.9	123
16-A						4N/27E-32aab					106
16-B						4N/27E-32aba					104
17.	Hansell Bros., Inc.	1/10/63	G-2520	G-2335		4N/27E-26bcb	1.32	105.5	316.5	6117.4	108
18.	Thomas E. Huddleston	1/21/64	G-2768	G-2592	34586	4N/28E-18cba	2.34	105.1 Prim. 82.1 Supp.	315.3	6555.9	93
19.	Malcolm Skinner	3/20/64	G-2809	G-2620	35784	4N/27E-13dbd	1.93	154.3	462.9	7018.8	97
20.	Hansell Bros., Inc.	3/31/64	G-2818	G-2694		4N/27E-26bcb	3.24	259.3	777.9	7796.7	108



CROSS SECTION A – A'



CROSS SECTION B-B'

GEOLOGIC CROSS SECTIONS A-A' AND B-B'

VERTICAL SCALE EXAGERATED X 15

PLATE 5

ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.25 E. R.26E. R.27E. R.28E.

T.5N T.4N T.4N T.3N T.3N

N

LEGEND

- ○ IDENTIFY WELL LOCATION BY ORDER OF WATER RIGHTS-PERMTS, CERTIFICATES, OR APPLICATIONS.
- ○ WELLS DEVELOPING WATER FROM ALLUVIAL AQUIFERS.
- ✧ WELLS DEVELOPING WATER FROM BASALTIC AQUIFERS.
- ● ALLUVIAL WELLS UNDER PERMIT OR APPLICATIONS BUT NOT DRILLED.
- ◆ BASALTIC WELLS UNDER PERMIT OR APPLICATIONS BUT NOT DRILLED.

REFER TO TABLE I FOR A LISTING OF WATER RIGHTS.

- CONTROL BOUNDARY-ALLUVIAL AQUIFERS.
- CONTROL BOUNDARY-BASALTIC AQUIFERS.

WESTLAND ROAD SUBAREA

LOST LAKE-DEPOT SUBAREA

WELL LOCATION AND BOUNDARY MAP PLATE I

ORDINANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.25E R.26E

R.26E R.27E

R.27E R.28E

T5N
T4N

T4N
T.3N

T.3N.

N

EXPLANATION

Holocene Pleistocene — **Qal** — Alluvium — Poorly sorted sand, gravel, silt, and clay. Average thickness 50–100 ft. Maximum 200 ft. Coarse facies moderately to highly permeable.

Pliocene — **Tf** — Fanglomerate — Poorly sorted sand, silt and basaltic gravel. Poorly permeable.

Miocene Pliocene — **Tcr** — Basalt of Columbia River Group — Basaltic flows of the Columbia River Group. Flows to 100 ft thick. Interbeds of clay and/or tuffaceous sand layers to 100 ft. thick. Maximum thickness of unit several thousand feet. Yields large quantities of water, to wells where jointed and porous.

Contact dashed where probable

Anticline in basalt dashed where probable

450 — Structure contours show altitude of top of basalt. Datum is mean sea level.

456 — Well penetrating basalt. Number is altitude of top of basalt above mean sea level.

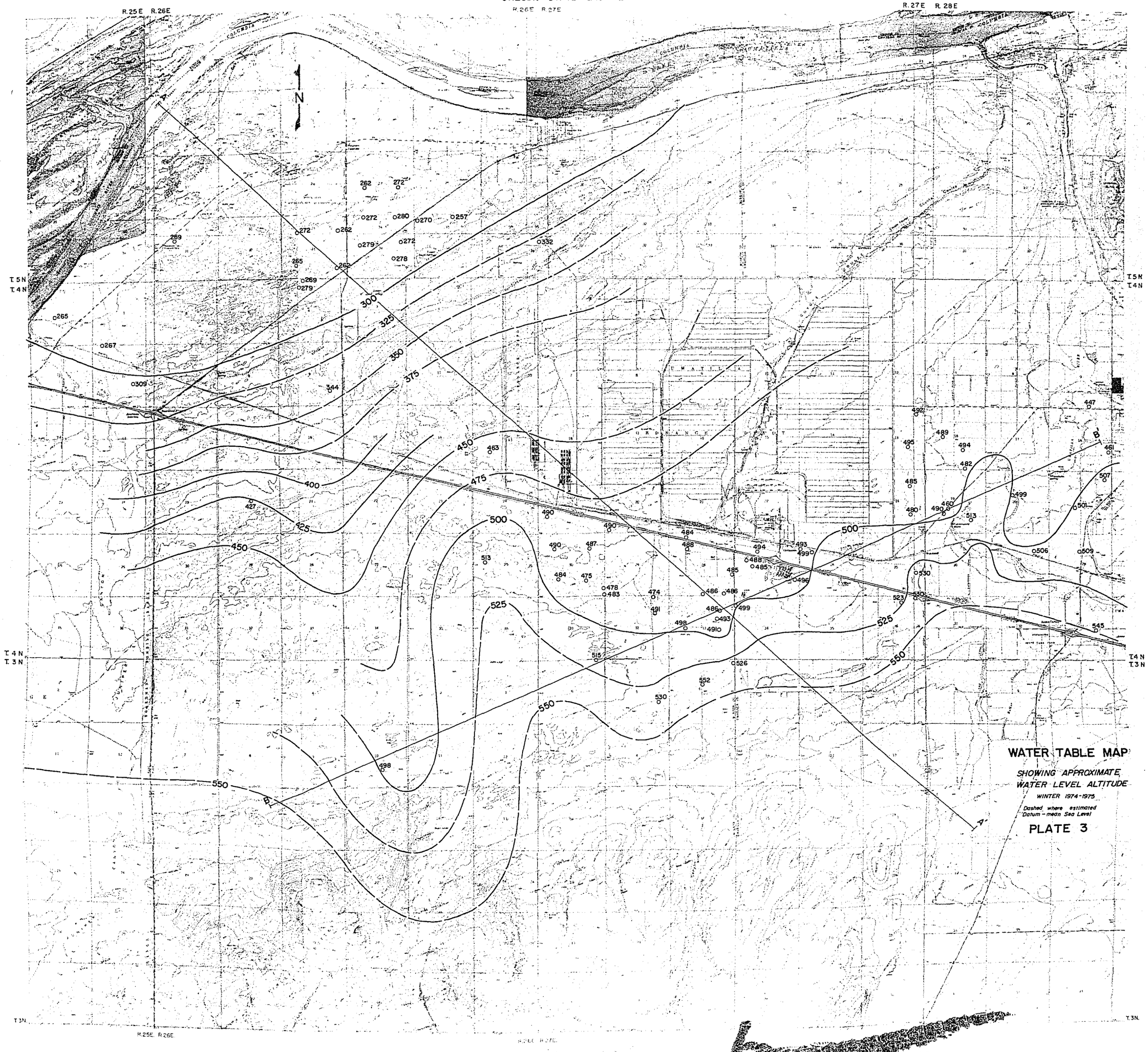
GEOLOGIC MAP OF ORDNANCE — UMATILLA GROUND WATER CRITICAL AREA

PLATE 2

SURFACE GEOLOGY COMPILED FROM U.S.G.S.
ATLAS HA 387 GEOLOGY BY JAMES ROBISON

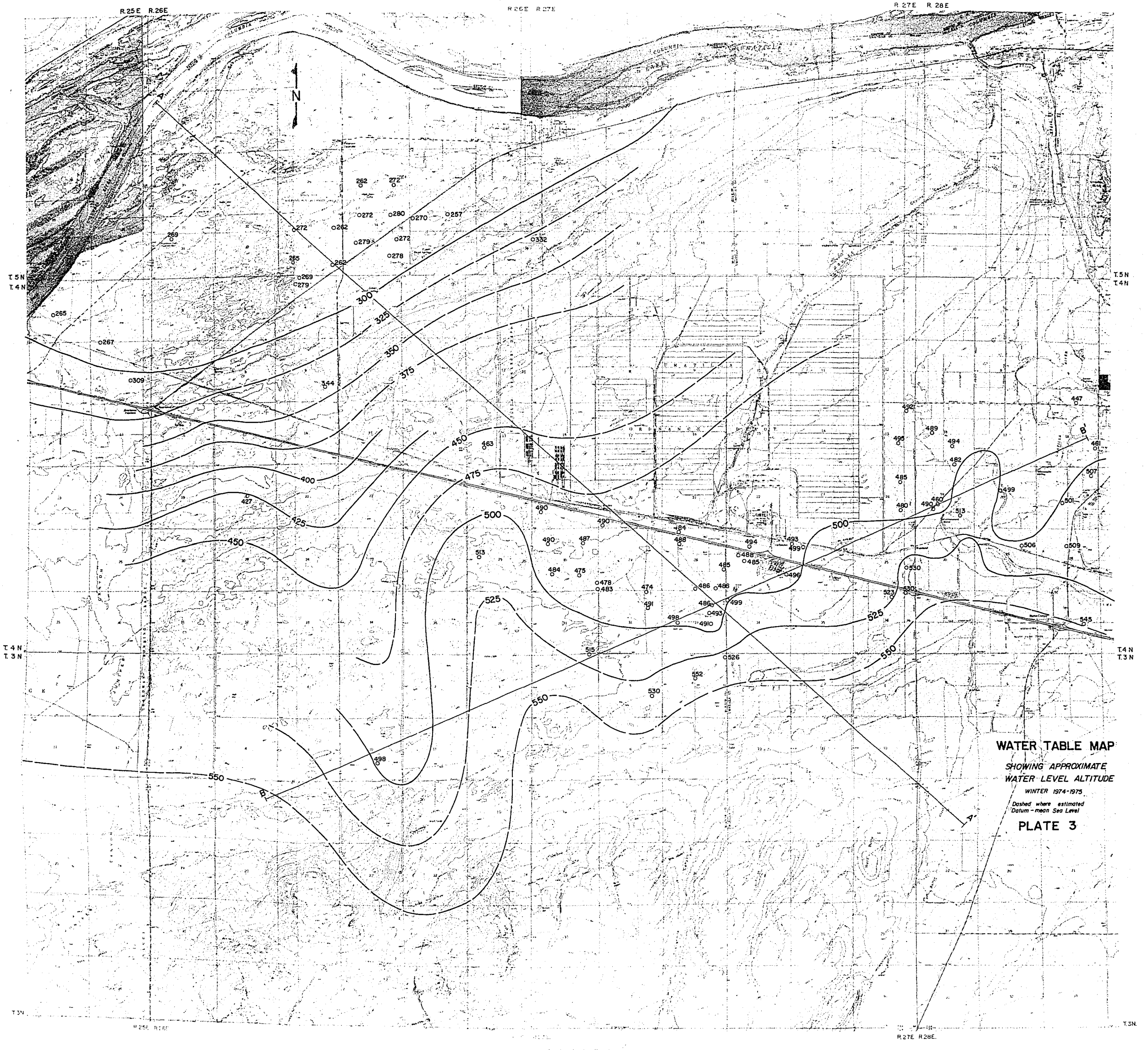
ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER



ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER



ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.25E R.26E R.26E R.27E R.27E R.28E

T.5N T.4N T.4N T.3N T.3N

R.25E R.26E R.26E R.27E R.27E R.28E

ISOPACH MAP

SHOWING APPROXIMATE THICKNESS OF SATURATED ALLUVIUM IN FEET WINTER 1974-1975

PLATE 4

Attachment B

Oregon
Kate Brown, Governor

Water Resources Department
North Central Region
116 S.E. Dorion Avenue
Pendleton, OR 97801
Phone (541) 278-5456
Fax (541) 278-0287
www.wrd.state.or.us

February 5, 2016

Greg te Velde
5850 Avenue 160
Tipton, CA 93272

Re: Groundwater development for dairy operation and stockwater

Dear Mr. te Velde:

I'd like to provide some background information about the local groundwater resource in the area around your new proposed dairy located in Section 16 of T3N/R26E, Morrow County, Oregon. The subject site is located within the Ordnance Basalt Critical Groundwater Area (Ordnance Basalt CGWA), and less than one mile from the Ordnance Gravel Critical Groundwater Area. These groundwater management areas were established by Special Order Vol. 27, pp 40-86 in 1976, because significant groundwater level declines indicated annual consumptive use exceeded natural recharge of the groundwater systems. The order specifies control provisions that prohibited new permitted uses in the Ordnance Basalt CGWA and curtailed existing permitted uses in the Ordnance Gravel CGWA to protect senior groundwater users.

Your current water right transfer T-12248, currently in process with the Department, proposes to change places of use, types of use and points of appropriation (well locations) authorized by Certificates 49726, 55317, 49727, 55316. These rights currently authorize irrigation use from two basalt wells, MORR 595/590 and MORR 591, both located in the Ordnance Basalt CGWA . Please note that drilling new wells before the transfer is reviewed and approved carries a big risk. It is likely well construction conditions will be specified by a Department hydrogeologist to ensure the proposed wells will access the same aquifer as the existing wells, MORR 595/590 and MORR 591 . Also, the Department will have to do an analysis of the transfer to determine if the proposed change can be done without injury or enlargement. Additionally, transfer applications are subject to protest by the public. So, there is a lot of uncertainty on whether a transfer can be approved until the transfer goes through the entire review process required by law and rule.

Department groundwater use data indicates that average combined use at these two wells is on the order of 1000 acre-feet per year. The four certificates noted above allow up to 1029.3 acre-feet per year of groundwater use. Total annual groundwater use within the Ordnance Basalt CGWA was approximately 3000 acre-feet in 2014. At this level of use, groundwater levels in the basalt are currently declining at a rate of about 2 feet per year. This indicates that the groundwater resource is beyond its capacity, is sensitive to overdraft, and that a sustainable new use is not available without injury to senior groundwater users. The most viable water supply option for the dairy project is a combination of surface water and basalt groundwater resulting from the proposed transfer of existing water rights.

Any new appropriation from the basalts, such as stock water for 30,000 head of dairy cattle, will represent a significant new use within the CGWA that will likely injure senior users. A rough estimate of dairy cattle drinking water use, assuming 20-50 gallons per head per day, is 672 to 1680 acre-feet per year. This represents approximately 22% to 56% increase in pumpage from the Ordnance Basalt CGWA, a resource that is already declining at the current level of use. This amount of additional use is not sustainable which could cause us to look at re-opening the Ordnance basalt CGWA order and consider regulation of the most junior uses, including exempt uses.

I am happy to participate in a meeting with you and your consulting team to discuss this matter further, and look for possible solutions. But I felt it prudent to share this information with you given the scale of your proposed project. Please call me at 541.278.5456 or email me at michael.f.ladd@wrd.state.or.us if you have any questions or would like to arrange a meeting.

Sincerely,

Mike Ladd

Mike Ladd, Region Manager

Cc: Greg Silbernagel – Watermaster District 5, via e-mail
Scott Fairley – Governor's office, via e-mail
William Mathews, ODA, via e-mail
Eric Nigg, DEQ, via e-mail
Carla McLane, Morrow County, via e-mail
Ivan Gall – Field Services Division, via e-mail
Wayne Downey, IRZ Consulting, via e-mail

#	State	City	Name	Organization	Support/ Oppose
1	OR	Silverton	Steve Kaser	Groundwater Protection Service LLC	Support
2	OR	Portland	David Row		Support
3	OR	Bend	Yancy Lind		Support
4	OR	Eugene	David Thomas		Support
5	OR	O'Brien	Gloria and Bob Ziller		Support
6	IN	Indianapolis	Marilyn Berling		Support
7	OR	Portland	H Emond		Support
8	OR	Portland	Timothy Grabe		Support
9	OR	Ashland	Lawrence Nagel		Support
10	OR	Eugene	Dan Robinhold		Support
11	OR	Klamath Falls	Steve Sheehy		Support
12	OR	Burns	Robert Thelen		Support
13	OR	Cascadia	Mike Gross		Support
14	OR	Medford	Harry Foster		Support
15	OR	Bend	Jeff Pokorny		Support
16	OR	Tualatin	Robinson Kurth		Support
17	OR	Eugene	Clint Brumitt		Support
18	OR	Eugene	Bob Bumstead		Support
19	OR	Portland	Mark Scantlebury		Support
20	OR	Portland	Edward House		Support
21	OR	Richland	David Andruss		Support
22	OR	Albany	Delores Porch		Support
23	OR	Salem	Corinne Sherton		Support
24	OR	Salem	Lee and Marilyn Rengert		Support
25	OR	La Pine	Richard Stoltze		Support
26	OR	Lake Oswego	Jeffrey Evershed		Support
27	OR	Portland	Brian von Dedenroth		Support
28	OR	Ashland	John Hamilton		Support
29	OR	Eugene	Mike Brinkley		Support
30	OR	Eugene	Jen Matthews		Support
31	OR	Portland	Donna Steadman		Support
32	OR	Portland	John Davis		Support
33	OR	Salem	Eileen Sherry		Support
34	OR	Eugene	Doug Heiken		Support
35	OR	Bend	Phil Fulton		Support
36	OR	Medford	Peter Ware		Support

37	OR	Portland	William Mosser		Support
38	OR	Bend	Cooper Morrow		Support
39	OR	Hood River	Chuck Gehling		Support
40	OR	Portland	Matt Duane		Support
41	OR	Keizer	Dana Petre-Miller		Support
42	OR	Portland	Judith Lienhard		Support
43	OR	Portland	Lisa Caine		Support
44	OR	Portland	Daniel Jaffee		Support
45	OR	Portland	Wayne Stewart		Support
46	OR	Bend	Don Hamon		Support
47	OR	The Dalles	Donna Grubbs		Support
48	OR	White City	Joanne Chenoweth		Support
49	OR	Eugene	Nathaniel Feyma		Support
50	OR	Newberg	Doug Geier		Support
51	OR	Milwaukie	Ann Lopez		Support
52	OR	Portland	BC Shelby		Support
53	OR	Portland	Tana Cahill		Support
54	OR	Canyon City	Mike Bohannon		Support
55	OR	Springfield	Lyn Ericson		Support
56	OR	Redmond	Debra Wollesen		Support
57	OR	Ashland	Christian Burchard		Support
58	OR	Bend	Joette Storm		Support
59	OR	Eugene	Richard Glass		Support
60	OR	Portland	Dece Drake		Support
61	OR	Ashland	Adama Hamilton		Support
62	OR	Eugene	Patricia Spicer		Support
63	OR	Beaverton	Tommy Lewis		Support
64	OR	Portland	Mark Wheeler		Support
65	OR	Portland	Mary MacKillop		Support
66	OR	Medford	Anne Russell		Support
67	OR	Ashland	Michelle Jordan		Support
68	OR	Milwaukie	Ben Horner-Johnson		Support
69	OR	Portland	Brent Rocks		Support
70	OR	Eugene	Randy Harrison		Support
71	OR	Bend	Katie Haldeman		Support
72	OR	Philomath	Marilyn Hinds		Support
73	OR	Portland	Jim Andrews		Support
74	OR	Portland	Ian Shelley		Support
75	OR	Talent	Phyllis Rapport		Support
76	OR	Oregon City	Cristy Murray		Support
77	OR	Eugene	Teresa Schmidt		Support
78	OR	Corvallis	Jane Hickman		Support
79	OR	Portland	M Rita Olson		Support

80	OR	Sweet Home	Sherry Costa		Support
81	OR	Portland	Jack Wells		Support
82	OR	Grants Pass	Marie Bayus		Support
83	OR	West Linn	John Rose		Support
84	NC	Carrboro	Gail Ohara		Support
85	OR	Newberg	Maureen Rogers		Support
86	OR	Aloha	Dean Sigler		Support
87	OR	Portland	Ronald Carver		Support
88	OR	Eugene	Benjamin De Pauw		Support
89	OR	Portland	John R. Bartels		Support
90	OR	Beaverton	Lori Kirk		Support
91	OR	Portland	Nicki Youngsma		Support
92	OR	Sixes	Victoria Eells		Support
93	OR	Ashland	Ann Rizzolo		Support
94	OR	Portland	Cathy Bledsoe		Support
95	OR	Beaverton	Andrea Morrison		Support
96	OR	Salem	Karen Sjogren		Support
97	OR	Newport	Mary Peterson		Support
98	OR	Waldport	Pamela Doran		Support
99	OR	Forest Grove	Ilo Anne Devine		Support
100	OR	Azalea	Belinda Colley		Support
101	OR	Grants Pass	Thomas Brandes		Support
102	OR	Hillsboro	John Somdecerff		Support
103	OR	Portland	Andrew Oldham		Support
104	OR	Colton	Frank Rouse		Support
105	OR	Portland	Patricia Bateman		Support
106	OR	Redmond	Cindy Cadotte		Support
107	OR	Portland	Katherine Showalter		Support
108	OR	Portland	Julia Barbee		Support
109	OR	Eugene	Carol Scherer		Support
110	OR	Eugene	Rick Lambert		Support
111	OR	Corvallis	Susan Wechsler		Support
112	OR	Portland	Pamela Breitwater		Support
113	OR	Portland	Pat Bognar		Support
114	OR	Eugene	Peter Johnson		Support
115	OR	Springfield	Lee Rothrock		Support
116	OR	Portland	Dorinda Kelley		Support
117	OR	Portland	Ginny Rosenkranz		Support
118	OR	Grants Pass	Brian Longley		Support
119	OR	Hubbard	Erika Kane		Support
120	OR	La Grande	Aileen Drill		Support
121	OR	Corbett	Karol Dietrich		Support
122	OR	Joseph	GM Whiting		Support

123	OR	Corvallis	Julie Meyers		Support
124	OR	Portland	Elizabeth Darby		Support
125	OR	Portland	Charles Walker		Support
126	OR	Portland	Linda Steinle		Support
127	OR	Keizer	Scott Kennedy		Support
128	OR	Pendleton	Susan G Rives-Denight		Support
129	OR	Lake Oswego	Jennifer Desmond		Support
130	OR	Portland	Diane Luck		Support
131	OR	Portland	Ric Bernat		Support
132	OR	Portland	Kelly Brignell		Support
133	OR	Springfield	Suzanne Zerbey		Support
134	OR	Portland	Judith Maron-Friend		Support
135	OR	Eugene	Kimberly Kauffman		Support
136	OR	Portland	Dan Sherwood		Support
137	OR	Corvallis	Piper Aislinn		Support
138	OR	Canby	Ben Morrow		Support
139	OR	Beaverton	Bonnie Robertson Talbot		Support
140	OR	Bend	Cynthia Chrystal		Support
141	OR	Portland	Jim Miller		Support
142	OR	La Pine	Shelly Young		Support
143	OR	Beavercreek	Jennie Sandler		Support
144	OR	Salem	Marilyn Mooshie		Support
145	OR	Redmond	Rich Wass		Support
146	OR	Bend	David Ewing		Support
147	OR	Gleneden Beach	Steve Wilson		Support
148	OR	Portland	Rebekah Mikkelsen		Support
149	OR	Salem	Leeann Jones		Support
150	OR	Beaverton	Robert Kimbro		Support
151	OR	Portland	Kate Fuqua		Support
152	OR	Corvallis	John Gasperoni		Support
153	OR	Salem	Elizabeth Thomas		Support
154	OR	Eugene	Leslie Shenkin		Support
155	OR	Sheridan	Kerri Smith		Support
156	OR	Salem	Michael Halloran		Support
157	OR	Eugene	Alton Roundy		Support
158	OR	Portland	Dena Turner		Support
159	OR	Portland	Madeleine Dortch		Support
160	OR	Eugene	Kimberly Devaney		Support
161	OR	Corvallis	Shirley Shaw		Support
162	OR	Salem	Annie Thorp		Support
163	OR	Bend	Calli Madrone		Support
164	OR	Salem	Jericka Hassoun		Support
165	OR	Portland	Gretchen Mahlberg		Support

166	OR	Portland	Leslie Costandi		Support
167	OR	Portland	Amy Whitworth		Support
168	OR	Hillsboro	Mitch Stargrove		Support
169	OR	Portland	Thomas Doulis		Support
170	OR	Portland	Peter Sergienko		Support
171	OR	Eugene	Karen Smith		Support
172	OR	Selma	Janet Walker		Support
173	OR	Albany	Amy Roberts		Support
174	OR	Eugene	Danika Esden-Tempski		Support
175	OR	Tigard	Glen Comuntzis		Support
176	OR	Talent	Will Richardson		Support
177	OR	Portland	Melissa Rowe Soll		Support
178	OR	Portland	Lauren Thompson		Support
179	OR	Bend	Wendy Holzman		Support
180	OR	Chiloquin	Audrey Collins		Support
181	OR	Portland	Grant Fujii		Support
182	OR	Carlton	Alonzo Cooper		Support
183	OR	Rhododendron	Jennifer Phelps		Support
184	OR	Portland	Barbie Scott		Support
185	OR	Keizer	Dana Petre-Miller		Support
186	OR	Eugene	W Loren		Support
187	OR	Portland	Sandi Cornez		Support
188	OR	Florence	Diane Nassirpour		Support
189	OR	Klamath Falls	Steve Sheehy		Support
190	OR	Gresham	Tyson Peterson		Support
191	OR	Portland	Melba Dlugonski		Support
192	OR	Portland	Maureen O'Neal		Support
193	OR	Corvallis	Judy Radovsky		Support
194	OR	Corvallis	Jules Moritz		Support
195	OR	Wilsonville	Lisa Brice		Support
196	OR	Portland	Trisha ten Broeke		Support
197	OR	Stanfield	Nancy Mendoza		Support
198	OR	Portland	Jenifer Schramm		Support
199	OR	Portland	Michael Martin		Support
200	OR	Canby	Rinya Frisbie		Support
201	OR	Portland	Phyllis Jaszkowiak		Support
202	OR	Portland	Joan Bradley		Support
203	OR	Lake Oswego	Richard Pross		Support
204	OR	Eugene	Debra Spies		Support
205	OR	Eugene	Tacey Conover		Support
206	OR	Eugene	Juanita Rinas		Support
207	OR	Banks	Sarah Sheridan		Support
208	OR	Portland	Wonder Knack		Support

209	OR	Milwaukie	James Pickrell		Support
210	OR	Portland	Teetle Clawson		Support
211	OR	Portland	Peter Zaik		Support
212	OR	Florence	Mollie Smith		Support
213	OR	Portland	Miwa Nishi		Support
214	OR	Gresham	Thomas Keys		Support
215	OR	Beaverton	Jacqueline Hauser		Support
216	OR	Portland	Mary Buckley		Support
217	OR	Eugene	Martha Dragovich		Support
218	OR	Redmond	Linda Voci		Support
219	OR	Seaside	Kathleen Ruiz		Support
220	OR	Portland	William McMakin		Support
221	OR	Philomath	Theresa Evans		Support
222	OR	Salem	Joanna Buckley		Support
223	OR	Salem	Allison Everitt		Support
224	OR	Salem	Mary Neuendorf		Support
225	OR	Newberg	Wendy Gregor		Support
226	OR	Lake Oswego	Karen Morrow		Support
227	OR	Bend	Mary Callison		Support
228	OR	Portland	Karen Whitehead		Support
229	OR	Portland	Meaghan Doherty		Support
230	OR	Bend	Donna Harris		Support
231	OR	Eugene	Ann Nowicki		Support
232	OR	Portland	Bonnie Mitchell		Support
233	OR	Portland	Kristine Sage		Support
234	OR	Clackamas	Stacey Gunderson		Support
235	OR	Portland	Debra Westom		Support
236	OR	Redmond	Peter Murray		Support
237	OR	Bend	Steve Aydelott		Support
238	OR	Portland	Kathleen Mitchell		Support
239	OR	Hillsboro	Fay Harrison		Support
240	OR	Ashland	Miriam Reed		Support
241	OR	Portland	Mira Wiegmann		Support
242	OR	Roseburg	Hellene Chapman		Support
243	OR	Lake Oswego	Randy Abbott		Support
244	OR	Portland	Rosie Lindsey		Support
245	OR	Stayton	Robert Stoyles		Support
246	OR	Portland	Geena Ciambelli		Support
247	OR	Salem	Patrice Aiello		Support
248	OR	Clackamas	Robert Smith		Support
249	OR	Portland	Carrie Tilton-Jones		Support
250	OR	Portland	Ed Loosli		Support
251	OR	Portland	Alan Lawrence		Support

252	OR	Hood River	M Brevard		Support
253	OR	Beaverton	Felicia Madrigal		Support
254	OR	Salem	Diane Black		Support
255	OR	Corvallis	Bob Hannigan		Support
256	OR	Portland	Beth Levin		Support
257	OR	Eugene	Tod Jones		Support
258	OR	McMinnville	Gerald Smith		Support
259	OR	Sherwood	Eileene Gillson		Support
260	OR	Eugene	Angela Crothers		Support
261	OR	Portland	Melissa Hathaway		Support
262	OR	Otter Rock	Richard McCombs		Support
263	OR	Albany	Anita Thompson		Support
264	OR	Portland	Nora Polk		Support
265	OR	Oak Grove	Pamela Collord		Support
266	OR	McMinnville	Kerrie Nasman		Support
267	OR	Eugene	Caryn Hyslop		Support
268	OR	Dallas	Linda Jenkins		Support
269	OR	Eugene	Belinda Dodd		Support
270	OR	Corvallis	Barbara Arlen		Support
271	OR	Westlake	Kacey Donston		Support
272	OR	Portland	Norma Silliman		Support
273	OR	Tillamook	Eleanor Hawes		Support
274	OR	Portland	Jane Smiley		Support
275	OR	Joseph	Jan Bird		Support
276	OR	Sandy	Michelle Winner		Support
277	OR	Portland	Larry Lemke		Support
278	OR	Portland	Sandra Siegner		Support
279	OR	Wilsonville	Pamela Street		Support
280	OR	Portland	Ramsay Weit		Support
281	OR	Oregon City	M P		Support
282	OR	Clackamas	David Gleason		Support
283	OR	Eugene	Kate Perle		Support
284	OR	Madras	Margaret Keene		Support
285	OR	Brookings	Anne Townsend		Support
286	OR	Bend	Nancy Merrick		Support
287	OR	Corvallis	Rebecca Picton		Support
288	OR	Cave Junction	Elden Parchim		Support
289	OR	Portland	Jack DePue		Support
290	OR	Beavercreek	Margaret Adams		Support
291	OR	Rainier	Jessica Howard		Support
292	OR	Portland	Rachel Ford		Support
293	OR	Lincoln City	Denny Duncan		Support
294	OR	Portland	Elizabeth Sheppard		Support

295	OR	Portland	Donna Moriarty		Support
296	OR	Dallas	Dale and Lois Derouin		Support
297	OR	Corvallis	Charles Langford		Support
298	OR	Corvallis	Leo Quirk		Support
299	OR	Portland	Janice MacWilliams		Support
300	OR	Corvallis	TC Cragun		Support
301	OR	Corvallis	John Bowen		Support
302	OR	Portland	Ann Bethune		Support
303	OR	Portland	Valerie Huffman		Support
304	OR	Lake Oswego	Heather Marsh		Support
305	OR	Astoria	Niall Carroll		Support
306	OR	Portland	George Snipes		Support
307	OR	Clackamas	Tracy Richards		Support
308	OR	Gresham	Czora Pagsolingan		Support
309	OR	Milwaukie	Kristin Harvey		Support
310	OR	Grants Pass	Jacqueline Perreault		Support
311	OR	Portland	Kelly Larkin		Support
312	OR	Eugene	Thomas Budd		Support
313	OR	Salem	Diana Saxon		Support
314	OR	Springfield	Gail Boness		Support
315	OR	Salem	Elizabeth Grant		Support
316	OR	Portland	Barry Wilson		Support
317	OR	Dallas	Robin Jenkins		Support
318	OR	Medford	David Grant		Support
319	OR	Veneta	Donna Sharp		Support
320	OR	Florence	Terri Tuttle		Support
321	OR	Portland	Gina Norman		Support
322	OR	Portland	Dennis Reynolds		Support
323	OR	Portland	Mark Linehan		Support
324	OR	Seal Rock	Ann Hollyfield		Support
325	OR	Woodburn	Jane Burkhouse		Support
326	OR	Coos Bay	Del Gist		Support
327	OR	Roseburg	Jennifer Page		Support
328	OR	Hillsboro	Jane Burch-Pesses		Support
329	OR	Portland	Antoinette Sweet		Support
330	OR	Portland	Alice West		Support
331	OR	Beaverton	Maile Anthopoulos		Support
332	OR	Aloha	Paul DeStefano		Support
333	OR	Bandon	Dorothy Tharsing		Support
334	OR	Forest Grove	Valerie Snyder		Support
335	OR	Springfield	Kristen Swanson		Support
336	OR	Depoe Bay	Fran Recht		Support
337	OR	Eugene	Lynette Boone		Support

338	OR	Eugene	Siamak Fooladi		Support
339	OR	Portland	Dave Ruud		Support
340	OR	Lake Oswego	Nancy Fleming		Support
341	OR	Wilsonville	Heather Walker-Dale		Support
342	NY	So. Colton	Patricia Vineski		Support
343	OR	Portland	Roberta Badger-Cain		Support
344	OR	Corbett	Karol Dietrich		Support
345	OR	Portland	Barbara Buckingham-Hayes		Support
346	OR	Medford	Rosalie Sable		Support
347	OR	Grants Pass	Katelyn Acevedo Perez		Support
348	OR	Portland	Erica Maranowski		Support
349	MI	Ann Arbor	Andrea Wotan		Support
350	OR	Salem	Roxanne Pryhorocki		Support
351	OR	Lincoln City	Sheri Ambrose		Support
352	AZ	Tucson	Gus Glaser		Support
353	OR	Springfield	Theresa Sihock		Support
354	OR	Salem	Shelley Kaplan		Support
355	OR	Aloha	Heidi Welte		Support
356	OR	Portland	Clark Chesshir		Support
357	OR	Bandon	Nora Lyman		Support
358	OR	Portland	Arianne Newton		Support
359	OR	Portland	William Brault		Support
360	OR	Portland	Rob Bodner		Support
361	OR	Bend	Gret Rowe		Support
362	OR	North Bend	Barbara Taylor		Support
363	OR	Eugene	Charles Lange		Support
364	OR	Portland	Blanche Niksich		Support
365	OR	Eugene	Charles Thomas		Support
366	OR	Bend	Shannon Lucas		Support
367	OR	Portland	Patricia Gifford		Support
368	OR	Portland	Mandy Allen		Support
369	OR	Wilsonville	Jean Svadlenka		Support
370	OR	Pendleton	Susan Sheoships		Support
371	OR	Portland	Tamara Wecker		Support
372	OR	Eugene	Shanti Maffey		Support
373	OR	Portland	Roslyn Simon		Support
374	OR	Junction City	Martina Jonsson		Support
375	OR	Portland	Cindy Locke		Support
376	OR	Coos Bay	Dianne Weaver		Support
377	OR	Corvallis	Barbara Poulsen		Support
378	OR	Eugene	Rick Moon		Support
379	OR	Eugene	P Bryer		Support
380	OR	Bend	Michele McFerran		Support

381	OR	Portland	Tori Herbst		Support
382	OR	Portland	Eric Lambart		Support
383	OR	Portland	Sarah Butler		Support
384	OR	Lake Oswego	Patti Sadowski		Support
385	OR	Cloverdale	Elizabeth Edwards		Support
386	OR	Portland	Shayne O'Brien		Support
387	OR	Eugene	Belinda Dodd		Support
388	OR	Portland	Ingrid Gordon		Support
389	OR	Eugene	Juanita Rinas		Support
390	OR	Corvallis	Monica Forsman		Support
391	OR	Portland	Jaylen Schmitt		Support
392	OR	Portland	Esther Breslau		Support
393	OR	Beaverton	Kristine Riccardi		Support
394	OR	Eugene	Betty Phillippi		Support
395	OR	Beaverton	Jovy Jergens		Support
396	OR	Lake Oswego	Nancy Fleming		Support
397	OR	Roseburg	Liz Fowler		Support
398	OR	Tigard	Amanda Sweet		Support
399	OR	Sixes	Victoria Eells		Support
400	OR	Lake Oswego	Ginger Greenberg		Support
401	OR	Bend	T Jeffries		Support
402	OR	Salem	Robert Jones		Support
403	OR	Corvallis	Sandra Schomberg		Support
404	OR	Lake Oswego	Victoria Holzendorf		Support
405	OR	Portland	Carole Anderson		Support
406	OR	Manzanita	Corinne Beuchet		Support
407	OR	Portland	Eleanor Fields		Support
408	OR	Yoncalla	Lee Schondorf		Support
409	OR	Portland	Eric Butler		Support
410	OR	Hillsboro	Mika Gentili-Lloyd		Support
411	OR	Ashland	Timothy Coughlin		Support
412	OR	Portland	Kathryn Yearsley		Support
413	OR	The Dalles	Donna Grubbs		Support
414	OR	Portland	Rebecca Clark		Support
415	OR	Gresham	Sewall Dana		Support
416	OR	Forest Grove	Jennifer Beckwith		Support
417	OR	Dallas	Tammera Hinshaw		Support
418	OR	Portland	Thomas Morgan		Support
419	OR	Lincoln City	Matthew Blackwood		Support
420	OR	Astoria	Martin Robbins		Support
421	OR	Portland	Dorinda Kelley		Support
422	OR	Bend	Mary Callison		Support
423	OR	Ashland	Allan Widmeyer		Support

424	OR	Eugene	Cindy Baertlein		Support
425	OR	Portland	Lee Taylor		Support
426	OR	Portland	Fawn McConnell		Support
427	OR	Portland	Maral Cavner		Support
428	OR	Portland	A Peters		Support
429	OR	Ashland	Janelle Davidson		Support
430	OR	Grants Pass	Kris Cook		Support
431	OR		Donna Harris		Support
432	OR	Molalla	Shelly Shumpert		Support
433	OR	Eugene	Molly Sasser		Support
434	OR	Milwaukie	Amy Burns		Support
435	OR	Philomath	Jo Ann Baughman		Support
436	OR	Ashland	Denise M Tschann		Support
437	OR	Woodburn	Carla Orr		Support
438	OR	Salem	Carol Voeller		Support
439	OR	Portland	Sabolch Horvat		Support
440	OR	Salem	S Klof		Support
441	OR	Portland	Joanna Lee		Support
442	OR	Williams	B Barbara Parliman		Support
443	OR	Bend	Virginie Calme		Support
444	OR	Lincoln City	Debbi Wood		Support
445	OR	Ashland	Jenet Johnsen		Support
446	OR	Portland	Marjorie Nafziger		Support
447	OR	Otter Rock	Richard McCombs		Support
448	OR	Eugene	Kara Powers		Support
449	OR	Garibaldi	John Anderson		Support
450	OR	Portland	Walter Rice		Support
451	OR	Portland	Miranda Eisen		Support
452	OR	Beaverton	Sandra McQueen		Support
453	OR	Beaverton	Stephanie Rossenu		Support
454	OR	Oregon City	Whit Watkins		Support
455	OR	Eugene	Molly Sasser		Support
456	OR	Eugene	TH Worden		Support
457	OR	Portland	Kelly Larkin		Support
458	OR	Portland	Dianne Ensign		Support
459	OR	Portland	Kristine Helm		Support
460	OR	Eugene	Holly Essig		Support
461	OR	Portland	Susan Kuhn		Support
462	OR	Eugene	Carla Hervert		Support
463	OR	Portland	Ashley Lema		Support
464	OR	Eugene	Margo Slaughter		Support
465	OR	Portland	Tiffeny Milbrett		Support
466	OR	Junction City	Cynthia Marrs		Support

467	OR	Hillsboro	Carolyn Bond		Support
468	OR	Portland	Jason Chin		Support
469	OR	Forest Grove	Valerie Snyder		Support
470	OR	Bend	Kate Bolinger		Support
471	OR	Tigard	Robin Nash		Support
472	OR	Ashland	Jim Roberts		Support
473	OR	Brookings	Jan Marney		Support
474	OR	Portland	Sandy Watson		Support
475	OR	Hillsboro	Mary Fleming		Support
476	OR	Portland	Lily Copenagle		Support
477	OR	Sweet Home	Diane Daiute		Support
478	OR	Grants Pass	Kathy Thompson		Support
479	OR	Corvallis	Judy Radovsky		Support
480	OR	Portland	Maryellen Read		Support
481	OR	Medford	Vivian Dowell		Support
482	OR	Tigard	Kathy Hessler		Support
483	OR	Portland	Leanne Thorsson		Support
484	OR	McMinnville	Judy Basye		Support
485	OR	Grants Pass	Marcel Liberge		Support
486	OR	Portland	Bridget Shirley		Support
487	OR	Portland	Judith Maron-Friend		Support
488	OR	Corvallis	Peg Urban		Support
489	OR	Portland	Debra Rehn		Support
490	OR	Ashland	Linda Barnett		Support
491	OR	Portland	Shannon Hunter		Support
492	OR	Portland	Diana Hulet		Support
493	OR	Portland	Jennie Mull-Scotty		Support
494	OR	Portland	Michalle Gleason		Support
495	OR	Portland	Cynthia Ruark		Support
496	OR	Stayton	Yadira Gonzalez		Support
497	OR	Portland	Pat Ward		Support
498	OR	Albany	Grace Neff		Support
499	OR	Eugene	Daniel Anderson		Support
500	OR	Eugene	Vashti Stutsman		Support
501	OR	Salem	Angela Norse		Support
502	OR	Eugene	Judyth Hyll		Support
503	OR	Newport	Marie Wakefield		Support
504	OR	Gladstone	Betsy Edholm		Support
505	OR	Roseburg	Nancy Sowersby		Support
506	OR	Seaside	Dolores Matthys		Support
507	OR	Portland	Howard Shapiro		Support
508	OR	Gleneden Beach	Stephen Wilson		Support
509	OR	Prineville	Carol Coons		Support

510	OR	Portland	Frieda Rusert		Support
511	OR	Drain	Britt Floyd		Support
512	OR	Medford	Jim Wells		Support
513	OR	Damascus	Diane Watkins		Support
514	OR	Bend	Valerie Guinan		Support
515	OR	Portland	Sid Snider		Support
516	OR	Portland	Jennie Mull-Scotty		Support
517	OR	Eugene	David Tvedt		Support
518	OR	Portland	Diane Rumage		Support
519	OR	Portland	Carolyn Buhl		Support
520	OR	Bend	Randall Esperas		Support
521	OR	Bend	Valerie Guinan		Support
522	OR	Lake Oswego	Judy Nedry		Support
523	OR	North Bend	Janet H		Support
524	OR	Eugene	Juanita Rinas		Support
525	OR	Portland	M Rita Olson		Support
526	OR	Eugene	Mary Anne Morrison		Support
527	NC	Carrboro	Gail Ohara		Support
528	OR	Salem	Linda Alstad		Support
529	OR	Portland	Brent Rocks		Support
530	OR	Portland	Diane Zipper		Support
531	OR	Beavercreek	Kayla Garcia		Support
532	OR	Eugene	Gary Millhollen		Support
533	OR	Portland	Michael Price		Support
534	OR	Ashland	Noel Chatroux		Support
535	OR	Sublimity	Rebecca Kimsey		Support
536	OR	Salem	Michael Halloran		Support
537	OR	Salem	Kathy Wilburn		Support
538	OR	Portland	Ansula Press		Support
539	OR	Milwaukie	Ben Horner-Johnson		Support
540	OR	Beaverton	D Deloff		Support
541	OR	Portland	Nathaniel Hildebrand		Support
542	OR	Lincoln City	Penny Guinther		Support
543	OR	Marcola	James Connell		Support
544	OR	Springfield	Edwin W Moore IV		Support
545	OR	Seaside	Larry Dean		Support
546	OR	Canby	Linda Cornell		Support
547	OR	Wallowa	Luwana Wanaisie		Support
548	OR	Oregon City	J Wilson		Support
549	OR	Florence	Michael Herbert		Support
550	OR	Florence	Susan Ellison		Support
551	OR	Corbett	A Michael Dianich		Support
552	OR	Azalea	Belinda Colley		Support

553	OR	Beaverton	Jovy Jergens		Support
554	OR	Salem	Esther Friedman		Support
555	OR	Corvallis	Craig Emerick		Support
556	OR	Portland	Peter Sergienko		Support
557	OR	Yachats	Dennis West		Support
558	OR	Bend	Sue Despotopulos		Support
559	OR	Nehalem	Craig Mackie		Support
560	OR	Portland	Eric Lambart		Support
561	OR	Grand Ronde	Linda Fink		Support
562	OR	Oregon City	Maria Lisboa		Support
563	OR	Portland	Janna Piper		Support
564	OR	Ashland	Alan Rathsam		Support
565	OR	Portland	Samantha Morris		Support
566	GU	Baiersbronn	Jörg Gaiser		Support
567	OR	Astoria	Mick Alderman		Support
568	OR	Lyons	Verna Hershberger		Support
569	OR	Prineville	Stephen Black		Support
570	OR	Florence	Karen Mahoney		Support
571	OR	Portland	Grant Fujii		Support
572	OR	Corvallis	Matthew Gray		Support
573	OR	Portland	Judith Friend		Support
574	OR	Albany	Amy Roberts		Support
575	OR	Portland	Janice Karpenick		Support
576	OR	Gresham	Thomas Keys		Support
577	OR	Portland	Lola Milholland		Support
578	OR	Grants Pass	Marie Bayus		Support
579	OR	Central Point	David Painter		Support
580	OR	Portland	Jamie Shields		Support
581	OR	Portland	Ginny Rosenkranz		Support
582	OR	Eugene	Betty Phillippi		Support
583	OR	Astoria	Jace Iversen		Support
584	OR	West Linn	Jim Fletcher		Support
585	OR	White City	Joanne Chenoweth		Support
586	OR	Grants Pass	Steven Tichenor		Support
587	OR	Ashland	Christine Sinclair		Support
588	OR	Tigard	Mary Lynn Willis Parodi		Support
589	OR	Portland	Ethel Birnbach		Support
590	OR	Beaverton	Roderic Stephens		Support
591	OR	Ashland	Michelle Jordan		Support
592	OR	Portland	Pat Bognar		Support
593	OR	Florence	Rebecca Branham		Support
594	OR	Oakridge	Georgeanne Samuelson		Support

595	OR	Bandon	Ramona Ponessa		Support
596	OR	Eugene	Rebecca Crowder		Support
597	OR	Portland	Mike Zotter		Support
598	OR	Eugene	David Saul		Support
599	OR	Lake Oswego	PA Still		Support
600	MH	London	Kay Roberts		Support
601	OR	Hillsboro	Jessica Stout		Support
602	OR	Corvallis	Carol Soth		Support
603	OR	Portland	James Meyer		Support
604	OR	Vernonia	Robert Paleck		Support
605	OR	Sisters	Patrick Bak		Support
606	OR	Independence	Elizabeth Surton		Support
607	OR	Portland	Maurine Canarsky		Support
608	OR	Ashland	Timothy Coughlin		Support
609	OR	Salem	Deidre Goldberg		Support
610	OR	Portland	Jan and Larry Slobin		Support
611	OR	Springfield	Nancy Hoecker		Support
612	OR	Portland	Zarah Wahlberg		Support
613	OR	Portland	Homer R Reese Jr		Support
614	OR	Portland	D Stirpe		Support
615	OR	West Linn	Nancy McDonald		Support
616	OR	Portland	Debra Smith		Support
617	OR	Florence	Judy Kinsman		Support
618	OR	Astoria	Ray West		Support
619	OR	Grants Pass	Cynthia Christensen		Support
620	OR	Eugene	Randy Harrison		Support
621	OR	Portland	Daniel Jackson		Support
622	OR	Portland	Lauren Thompson		Support
623	OR	Medford	Jim Geear		Support
624	OR	Corvallis	Jules Moritz		Support
625	OR	Portland	Natasha Mulvihill		Support
626	OR	Roseburg	Jeannine Cook		Support
627	OR	Corvallis	Richard Martin		Support
628	OR	Portland	Leslie Chester		Support
629	OR	Portland	Michael Schulte		Support
630	OR	Corvallis	Bob Hannigan		Support
631	OR	Portland	Nina French		Support
632	OR	Portland	Dorinda Kelley		Support
633	OR	Oak Grove	Clyde Williams II		Support
634	OR	West Linn	Katherine Wright		Support

635	OR	Tygh Valley	Kay Swift		Support
636	OR	Hillsboro	Carol Nugent		Support
637	OR	Estacada	Monica Gilman		Support
638	OR	Portland	Sandra Joos		Support
639	OR	Estacada	Jay Humphrey		Support
640	OR	Milwaukie	Jack West		Support
641	OR	Murphy	Marcel Liberge		Support
642	OR	Cottage Grove	Tina Volpe		Support
643	OR	Yachats	Waverly Hayner		Support
644	OR	Ashland	Lauree Laurance		Support
645	OR	Portland	Anna Cowen		Support
646	OR	Gresham	Sheila Spencer		Support
647	OR	Forest Grove	Leroy Hulse		Support
648	OR	Portland	Jennifer Doob		Support
649	OR	Portland	Laura Revilla		Support
650	OR	Redmond	Linda Voci		Support
651	OR	Portland	Nata Saper		Support
652	OR	Portland	Allen Wheeland		Support
653	OR	Sherwood	Eileene Gillson		Support
654	OR	Clackamas	Kristy Giles		Support
655	OR	Ashland	Robin Gotfrid		Support
656	OR	Albany	Edith Orner		Support
657	OR	Salem	Allison Everitt		Support
658	OR	Florence	Lea Patten		Support
659	OR	Florence	Lea Patten		Support
660	OR	Portland	Bonnie Mitchell		Support
661	OR	Beaverton	Bill O'Brien		Support
662	OR	Talent	Larry Morningstar		Support
663	OR	Eugene	Wendy Simmons		Support
664	OR	Clackamas	Tracy Richards		Support
665	OR	Ashland	Nina Council		Support
666	OR	Portland	Delcianna Winders		Support
667	OR	Portland	Amy van Saun		Support
668	OR	Portland	Marilyn Cohen		Support
669	OR	Happy Valley	Michael Burmester		Support
670	OR	Ashland	Caroline Cunningham		Support
671	OR	Terrebonne	Kay Larkin		Support
672	OR	Bandon	Nora Lyman		Support
673	OR	Portland	Angela Zehava		Support
674	OR	Clackamas	Stacey Gunderson		Support
675	OR	Rogue River	Nona Donahue		Support
676	OR	Florence	Sandra Kennedy		Support

677	OR	Portland	April Atwood		Support
678	FL	Nokomis	Lauren Wilson		Support
679	OR	Portland	Kathleen Ritchie		Support
680	OR	Mulino	Molly James-Bartel		Support
681	OR	Portland	Connie Meadows		Support
682	OR	Portland	Marilyn Dunham		Support
683	OR	Portland	Beth Levin		Support
684	OR	Portland	Norah Renken		Support
685	OR	Oregon City	Stacie Hall		Support
686	OR	Portland	Susan Metz		Support
687	NY	New York	John Neumeister		Support
688	OR	Portland	Adrienne Wolf-Lockett		Support
689	OR	Klamath Falls	Steve Sheehy		Support
690	OR	Jacksonville	Gail Battaglia		Support
691	OR	Portland	Alana Liechty		Support
692	OR	Eugene	Carlis Nixon		Support
693	OR	Bend	Katie Abbott		Support
694	OR	Springfield	Teri O'Day		Support
695	OR	Lorane	Kyle Rolnick		Support
696	OR	Cave Junction	Milton and Mary Peterson		Support
697	OR	Selma	Marilyn Mooshie		Support
698	OR	Portland	Joshua Andersen		Support
699	OR	Talent	Phyllis Rapport		Support
700	OR	Eugene	Tacey Conover		Support
701	OR	Keizer	Dana Petre-Miller		Support
702	OR	Wilsonville	James Rough		Support
703	OR	North Bend	Natalie Ranker		Support
704	OR	Salem	Annie Thorp		Support
705	OR	Yoncalla	Lee Schondorf		Support
706	OR	Aloha	DF Deloff		Support
707	OR	Salem	Robert Jones		Support
708	OR	Independence	Karen Horton		Support
709	OR	Eugene	Ann Nowicki		Support
710	OR	Eagle Point	Tony Klements		Support
711	OR	Portland	Susan Narizny		Support
712	OR	Eugene	Mary Pritchard		Support
713	OR	Klamath Falls	Dwight Long		Support
714	NM	Deming	Christina Riggs		Support
715	OR	Keizer	Scott Kennedy		Support
716	OR	Eugene	Lynette Boone		Support
717	OR	Salem	Elizabeth Davis		Support
718	OR	Florence	Marney Reed		Support

719	OR	Portland	Clifford Spencer		Support
720	OR	Williams	Kari Rein		Support
721	OR	Salem	Elizabeth Grant		Support
722	OR	Portland	Karen Fletcher		Support
723	OR	Tigard	Amanda Sweet		Support
724	OR	Philomath	Jasmine Saavedra		Support
725	OR	Stayton	Eric von Borstel		Support
726	OR	Bend	Carol May		Support
727	OR	Portland	Brian Posewitz	WaterWatch of Oregon	Support
728	OR	Milwaukie	Madisen Davis-Lattanzi		Support
729	OR	Bend	Gret Rowe		Support
730	OR	Jacksonville	Greeley Wells		Support
731	OR	Portland	Sharon Kelly		Support
732	OR	Ashland	Allan Widmeyer		Support
733	OR	Portland	Sandra Dudley		Support
734	OR	Troutdale	Shari Sirkin		Support
735	OR	Troutdale	Bryan Dickerson		Support
736	OR	Portland	Janna Stephens		Support
737	OR	Blachly	Brenda Gaines		Support
738	OR	Medford	Barrett Gifford		Support
739	OR	Medford	Kris York		Support
740	OR	Salem	S Klof		Support
741	OR	Jacksonville	Gillian Short		Support
742	OR	Heppner	Roberta Lutcher	Morrow County Administration & Board of Commissioners	Oppose
743	OR	Portland	Ariel Burton		Support
744	OR	Portland	Melly Scott		Support
745	OR	Eugene	Emma Huntress		Support
746	OR	Irrigon	Aaron Palmquist	City of Irrigon	Oppose
747	OR	Baker City	Cindy Roberts		Support
748	OR	Salem	John Thomas Maluski		Support
749	OR		J.R. Cook	Umatilla County; Morrow County; City of Boardman; City of Irrigon; City of Hermiston; Port of Umatilla; Port of Morrow; Northeast Oregon Water Association	Oppose

750	OR	Portland	S Cook		Support
751	OR	Portland	Darrell Whipkey		Support
752	OR	Portland	Sarah R Liljefelt	Oregon Cattlemen's Association; Oregon Farm Bureau Federation; Oregon Dairy Farmers Association	Oppose
753	OR	Portland	S Cook		Support
754	OR	Salem	Kathleen Giorgi		Support
755	OR	Corvallis	Sarah Reed		Support
756	OR	Blodgett	Aimee Marciniak		Support
757	OR	Hillsboro	Kenny Jackson		Support
758	OR	Winston	Melissa Garcia-Parry		Support
759	OR	Portland	Christine Baker		Support
760	OR	Silverton	Elizabeth Voth		Support
761	OR	North Bend	Janet H		Support
762	OR	Corbett	Stephanie Nystrom		Support
763	OR	Portland	Katherine Gorell		Support
764	OR	Portland	Maureen O'Brien		Support
765	OR	Portland	Cameron Denney		Support
766	OR	Portland	Melissa Hathaway		Support
767	OR	Beavercreek	Susan Satnick		Support
768	OR	Creswell	Ben Larson		Support
769	OR	Milwaukie	Sarah Smith		Support
770	OR	Portland	Tim Thigpen		Support
771	OR	Sisters	Gia Matzinger		Support
772	OR	Portland	Chloe Malijenovsky		Support
773	OR	Corvallis	Stephen Oder		Support
774	OR	Portland	Shawn Linehan		Support
775	OR	Bend	Janet Meyer		Support
776	OR	Albany	Taury Vanecek		Support
777	OR	Phoenix	Allie Hymas		Support
778	OR	Gresham	Julie McCarl		Support
779	OR	Portland	Thomas O'Laughlin		Support
780	OR	Portland	Rick Brady		Support
781	OR	Canby	Alaina Shivley		Support
782	OR	Portland	Kim H		Support
783	OR	Portland	Michele Knaus		Support
784	OR	Gresham	Deanna Foster		Support
785	OR	Portland	Marisha Auerbach		Support
786	OR	Portland	Diana Richardson		Support
787	OR	Creswell	Cindy Zog		Support
788	OR	Forest Grove	Robin Lindsley		Support

789	OR	Portland	Misty Earisman		Support
790	OR	Keizer	Dana Petre-Miller		Support
791	OR	Portland	Ann Lopez		Support
792	OR	Talent	Michele Bashaw		Support
793	OR	McMinnville	Mara Pauda		Support
794	OR	Myrtle Creek	Cindy Haws		Support
795	OR	Springfield	Jennifer Eisele		Support
796	OR	Portland	Avery Thompson		Support
797	OR	Portland	Peggy Acott		Support
798	OR	Union	Ira Cohen		Support
799	OR	Corvallis	McKenzie Rakes		Support
800	OR	Springfield	Alice Morrison		Support
801	OR	Reedsport	Dennis Robinson		Support
802	OR	Portland	Ronald Varekamp		Support
803	TX	Coppell	Brian Kurtz		Support
804	OR	Portland	Nancy Pole-Wilhite		Support
805	OR	Corvallis	Pamela Bond		Support
806	OR	Yachats	Dana Bleckinger		Support
807	OR	Portland	Susan Newton		Support
808	OR	Medford	Kris York		Support
809	OR	Bend	Linda Hendrix		Support
810	OR	Sherwood	Tung Vu		Support
811	OR	Yachats	Dana Bleckinger		Support
812	OR	Lake Oswego	Victoria Holzendorf		Support
813		Helsingør	Kim Palmerston-Lundgreen		Support
814	OR	Beavercreek	Barbara Cervantes-Gautschi		Support
815	OR	Portland	Bryan Smith		Support
816	OR	Joseph	Jan Bird		Support
817	OR	Milton Freewater	Jane Jones		Support
818	OR	Portland	Steven Bischof		Support
819	OR	Portland	Miranda Eisen		Support
820	IA	Spencer	Travis Israels		Support
821	OR	Portland	Emlyn Stenger		Support
822	OR	Portland	Brittney Deming		Support
823	OR	Oregon City	Linda Gerber		Support
824	OR	Mount Hood Parkdale	Pedro Tai		Support
825	OR	Portland	Melissa Hathaway		Support
826	OR	Coquille	Bonnie Dawn		Support
827	OR	Springfield	Jesse Jones III		Support
828	OR	Enterprise	Caitlin Rushlow		Support
829	OR	Portland	Jody Odowick		Support
830	OR	Bend	Annie Nichols		Support

831	OR	Salem	Elliott Eastman		Support
832	OR	Sherwood	Julianna Nader		Support
833	OR	The Dalles	Donna Grubbs		Support
834	OR	Gales Creek	Chuck Straughan		Support
835	OR	Portland	Mary Buckley		Support
836	OR	Hillsboro	Richard Wallick		Support
837	OR	Portland	Karen Deora		Support
838	OR	Portland	Lucas Crawford		Support
839	OR	Portland	Janie Malloy		Support
840	OR	Salem	Elaine Steenson		Support
841	OR	Portland	Robert Morse		Support
842	OR	Keizer	Dana Petre-Miller		Support
843	OR	Eugene	A Todd		Support
844	OR	Ashland	Allan Widmeyer		Support
845	OR	Portland	Mike White		Support
846	OR	Portland	Cindy Petersen		Support
847	OR	Portland	Peggy Acott		Support
848	OR	Dufur	John Newton Hickox		Support
849	OR	Medford	Alana Monaco		Support
850	OR	Dallas	Rev. Edgar Brandt		Support
851	OR	Portland	Michelle Week		Support
852	OR	Bend	Gary Ivey		Support
853	OR	Tiller	Renee Bennett		Support
854	OR	Portland	Lindsay Hope Kern		Support
855	OR	Hood River	Alex Sosnkowski		Support
856	OR	Beaverton	Elisabeth Wyllie		Support
857	OR	Talent	P Quillian		Support
858	OR	Bend	John Pitney		Support
859	OR	Salem	Diane Black		Support
860	OR	Salem	Linda Donnelly		Support
861	OR	Forest Grove	Jonathan Moore		Support
862	OR	Portland	Tamara Wecker		Support
863	OR	Eugene	Jim Hemmingsen		Support
864	OR	McMinnville	Elizabeth Hays		Support
865	OR	Portland	Lori Ann Burd		Support
866	WA	Olympia	Lynn Fitch		Support
867	OR	Eugene	Janet Dahlgren		Support
868	OR	Medford	Arlene Aron		Support
869	OR	Portland	Caitlin Jacobson		Support
870	OR	Talent	Phyllis Rapport		Support
871	OR	Portland	Jana Ragsdale		Support
872	OR	Jacksonville	Judi Stratton		Support

873	OR	Portland	Kimberly Nistad		Support
874	OR	Williams	Cheryl Bruner		Support
875	OR	Eugene	Becky Mundt		Support
876	OR	Corvallis	Jeanne Raymond		Support
877	OR	Cottage Grove	Cassandria Lemmon		Support
878	OR	Eugene	Shelley Z. Klappholz		Support
879	OR	Eugene	Michael Nelson II		Support
880	OR	Salem	Kim Davis		Support
881	OR	Azalea	Belinda Colley		Support
882	OR	Sheridan	Robert Hinely		Support
883	OR	Central Point	Helen Moissant		Support
884	OR	Newburg	Coulliette Hagglund		Support
885	OR	Eugene	Bonita Koenig		Support
886	OR	Portland	Joseph Wolf		Support
887	OR	Jacksonville	Tyra Lowell		Support
888	OR	Rogue River	Susan Delles		Support
889	OR	Portland	Angie Heide		Support
890	OR	Bend	Linda Neely		Support
891	OR	Portland	Kathy Birch		Support
892	OR	Portland	Aaron Poplack		Support
893	OR	Ashland	Jim Yarbrough		Support
894	OR	Portland	Kristina Tranckino		Support
895	OR	Selma	Marilyn Mooshie		Support
896	OR	Portland	Jon Shelley		Support
897	OR	Westlake	Kacey A Donston		Support
898	OR	Sublimity	Greg and Ellen Wilt		Support
899	OR	Bend	Cynthia Chrystal		Support
900	OR	McMinnville	Rick Thronburg		Support
901	OR	Portland	Rhett Lawrence		Support
902	OR	Portland	Ed Loosli		Support
903	OR	Stanfield	Nancy Mendoza		Support
904	OR	Corvallis	Robert Hughes		Support
905	OR	Portland	George Snipes		Support
906	OR	Buxton	Kim Wick		Support
907	OR	Mount Hood Parkdale	Heather Odden		Support
908	OR	Eugene	Salme Armijo		Support
909	OR	Ashland	Joan Adams		Support
910	OR	Portland	Anne Phillip		Support
911	OR	Ashland	Tara Troutner		Support
912	OR	Portland	Sam Goldstein		Support
913	OR	Baker	Alba Lawrence		Support
914	OR	Portland	Shilpa Joshi		Support

915	OR	Portland	Robin Weage		Support
916	OR	Portland	Walter Rice		Support
917	OR	Bend	Alex Samarin		Support
918	OR	Bend	Steve Aydelott		Support
919	OR	Veneta	Mary Wisehart		Support
920	OR	Eugene	Shaun Winter		Support
921	OR	West Linn	Isaac Ehrlich		Support
922	OR	Portland	David Hermanns		Support
923	OR	Eugene	Adriane Samuel		Support
924	OR	Portland	Cheryl Lohrmann		Support
925	OR	Florence	Mollie Smith		Support
926	OR	Portland	Daniel Jaffee		Support
927	OR	Gresham	Gail Hare		Support
928	OR	Portland	Melba Dlugonski		Support
929	OR	Bend	Charles Baughman		Support
930	OR	Portland	Beth Stebbins		Support
931	OR	Eugene	Charles Thomas		Support
932	OR	Klamath Falls	Robert Irene Jessen		Support
933	OR	Portland	Laura Gadzala		Support
934	OR	Portland	Trisha ten Broeke		Support
935	OR	Gladstone	Lary Graves		Support
936	OR	Portland	Paul Galullo		Support
937	OR	Eugene	Salme Armijo		Support
938	OR	Salem	Rudica Ratto		Support
939	OR	Portland	Aubrey Baldwin		Support
940	OR	Medford	Edith Gilder		Support
941	OR	Corvallis	Leslee Lucas		Support
942	OR	Portland	Kendra Howard		Support
943	OR	Salem	Chris Bray		Support
944	OR	Portland	Emily Zetkulic		Support
945	OR	Rickreall	Sarah Deumling		Support
946	OR	Milwaukie	Ana Schmid		Support
947	OR	Portland	Gloria Geiser		Support
948	OR	Portland	Louisa McCleary		Support
949	OR	Salem	Robert Plata		Support
950	OR	Portland	Joel Whitmore		Support
951	OR	Portland	Janice Karpenick		Support
952			Katie Summerlin		Support
953	OR	Ashland	Janet Rueger		Support
954	OR	Corvallis	Charles Langford		Support
955	OR	Talent	Daniel Collay		Support
956	OR	Toledo	Mary Eastman		Support

957	OR	Eugene	Mindy Stone		Support
958	OR	Beaverton	Elaine Nelson		Support
959	OR	Salem	Pamela Vasquez		Support
960	OR	Portland	C Reilly		Support
961	OR	Salem	Philip Ratcliff		Support
962	OR	Portland	Chris Mack		Support
963	OR	Amity	Jana Dobrotkova		Support
964	OR	Portland	Heather Stein		Support
965	OR	Oregon City	Sierra Ansley		Support
966	OR	Portland	Lisa Weseman		Support
967	OR	Lake Oswego	Christine Beaulieu		Support
968		Queluz	Eunice Sousa		Support
969	OR	Portland	Rebecca Clark		Support
970	OR	Portland	Paul Martin		Support
971	MD	Brooklandville	Anneke de Vries		Support
972	WA	Vancouver	Kelly Wilson		Support
973	OR	Gardiner	Lynn Kush		Support
974	OR	Portland	Dianne Ensign		Support
975	OR	Portland	Katie Gourley		Support
976	OR	Phoenix	Katelyn Detweiler		Support
977	OR	Eugene	Charlotte Maloney		Support
978	OR	Portland	Steve Hanrahan		Support
979	OR	Beaverton	Alan Ruff		Support
980	OR	Florence	Adele Dawson		Support
981	OR	North Bend	Janet H		Support
982	OR	Portland	Stephanie Kenyon		Support
983	OR	Oak Grove	Pamela Collord		Support
984	OR	Portland	Jennifer Krazit		Support
985	OR	Portland	Holly Hutchason		Support
986	OR	Eugene	John Altshuler		Support
987	OR	Hillsboro	Kenny Jackson		Support
988	OR	Portland	Carol Raphael		Support
989	OR	Oregon City	Nathan Moomaw		Support
990	OR	Corvallis	Melissa Parks		Support
991	OR	Portland	Helena Tesselaar		Support
992	OR	Baker City	La'akea Kaufman		Support
993	OR	Sandy	Sandra Flaskerud		Support
994	OR	Ashland	Elizabeth Tobey		Support
995	OR	Bend	Steph Spencer		Support
996	CA	Desert Hot Springs	Marsha Tokareff		Support
997	CA	Fortuna	Shinann Earnshaw		Support
998	OR	Portland	Sandra Ganey		Support

999	OR	Portland	Dawn Griffin		Support
1000	OR	Portland	Rich Schwartz		Support
1001	OR	West Linn	Carolyn Garnett		Support
1002	OR	Lincoln City	Cindy Galt		Support
1003	MI	Ypsilanti	William Pielemeier		Support
1004	OR	Gaston	Donna Boyer		Support
1005	OR	Eugene	Matt Laubach		Support
1006	OR	Portland	Rachel Ford		Support
1007	OR	Portland	Nora Polk		Support
1008	OR	Eugene	Vera Moore		Support
1009	OR	Corvallis	Megan Dickison		Support
1010	OR	Eugene	Diane Garcia		Support
1011	OR	Salem	Ann Kennedy		Support
1012	OR	Nyssa	Kristin Schoorl		Support
1013	OR	Grants Pass	Susan Mackenzie		Support
1014	OR	Boring	Ann Waugh		Support
1015	OR	Corvallis	Antigone Allena		Support
1016	OR	Portland	Katje Wagner		Support
1017	OR	Ashland	Karen Potts		Support
1018	WA	Woodland	Hillary Jay		Support
1019	OR	Aloha	Sharla Keith		Support
1020	OR	Portland	Emily Viadero		Support
1021	OR	Eugene	Helen Goché		Support
1022	OR	Portland	Patty Bonney		Support
1023	OR	Portland	Sandi Cornez		Support
1024	OR	Beaverton	Steven Schafer		Support
1025	OR	Eugene	Carla Hervert		Support
1026	OR	McMinnville	Ava Adams		Support
1027	OR	Portland	Theus Weiskopf		Support
1028	OR	Saint Helens	Tanya Schroder		Support
1029	OR	Willamina	Susan Richman		Support
1030	OR	Portland	Priscilla Lane		Support
1031	OR	West Linn	Kelly Ballew		Support
1032	OR	Springfield	Laura Rich		Support
1033	OR	Bend	Linda Coan		Support
1034	OR	Talent	Kathleen Hering		Support
1035	OR	Portland	Thomas A Scarpinatto		Support
1036	OR	Forest Grove	Amy Benson		Support
1037	OR	McMinnville	Michael Butler		Support
1038	OR	Portland	Boey Lim		Support
1039	OR	Molalla	LaVonne Blowers		Support
1040	OR	Salem	Cheryl Erb		Support

1041	OR	Portland	Christine Manning		Support
1042	OR	Colton	Janice Rose		Support
1043	OR	Portland	Stephanie Buddenbaum		Support
1044	OR	Portland	David Berge		Support
1045	OR	Eugene	Natalie Stameroff		Support
1046	OR	Redmond	Tony Oliver		Support
1047	OR	Philomath	Giana Bernardini		Support
1048	OR	Albany	Susan Heath		Support
1049	OR	Lebanon	Donna Crane		Support
1050	OR	Hillsboro	Matthew Waldron		Support
1051	NJ	Atlantic City	Brian Reynolds		Support
1052	AK	Fairbanks	Vashti Urijah		Support
1053	OR	Salem	Elena Haley		Support
1054	OR	Medford	David Grant		Support
1055	OR	Salem	Diana Saxon		Support
1056	OR	Corvallis	Camille Hall		Support
1057	OR	Portland	Jared Hobbs		Support
1058	OR	Eugene	Devin Kesner		Support
1059	OR	Eugene	Michele MacDowell		Support
1060	OR	Gresham	Kathy Katz		Support
1061	OR	Portland	Jason Greene		Support
1062	OR	Corbett	Amy Wong	Friends of Family Farmers	Support
1063	OR	Portland	Tara Mooser		Support
1064	OR	Portland	Sean McClintock		Support
1065	OR	Portland	Imogen Taylor		Support
1066	OR	Coos Bay	Charles Reid		Support
1067	OR	Portland	Kathy Hessler		Support
1068	OR	Portland	Rebecca Clark		Support
1069	OR	Woodburn	Alexander Dumanian		Support
1070	OR	Portland	Satya Vayu		Support
1071	OR	Portland	Nicki Youngsma		Support
1072	OR	Hillsboro	Danny Dyche		Support
1073	OR	Bend	Calli Madrone		Support
1074	OR	Corvallis	Lauren Kopka		Support
1075	OR	Portland	Jennifer Flanagan		Support
1076	OR	Portland	Oscar Contreras		Support
1077	OR	Portland	Camille McPhee		Support
1078	OR	Eugene	Courtney Roberts		Support
1079			Steve Kaser	Groundwater Protection Service LLC	Support
1080	OR	Ashland	Cassandra Fazio		Support

1081	OR	Portland	Cynthia Ruark		Support
1082	OR	Portland	Lisa Caine		Support
1083	OR	Corbett	Amy Wong	Friends of Family Farmers	Support
1084	OR	Portland	Daniel Jaffee		Support
1085	OR	Portland	Joana Kirchhoff		Support
1086	OR	Portland	Patience Bingham		Support
1087	OR	Pendleton	Audie Huber	Confederated Tribes of the Umatilla Indian Reservation	Support
1088	OR	Portland	Brian Posewitz	Stand Up to Factory Farms	

Excerpts and Examples of Comments in Support of Petition

How to Use this Document

Many of the comments in support of the petition are form comments. This document contains examples of these form comments and excerpts. For those comments that followed the form example but deviated in some way, the unique portion of the comment is excerpted and the duplicative portion is removed to assist the reader. Comments that did not follow the form examples are included in their entirety. Please note, this document is not intended to capture all the comments in support of the petition and is for illustrative purposes only. To view and download all comments in their entirety, including relevant attachments, please visit the Department's file pick-up site: http://filepickup.wrd.state.or.us/files/Ordnance%20CGWA%20Rule%20Petition%20Comments/.

Comment Examples

* * *

Oregon is known for our beautiful rivers, streams, and iconic aquatic species, but all that is at risk if we keep giving mega-dairies unlimited access to our precious water resources in critical groundwater areas under the "stockwatering exemption."

In 1976, the Oregon Water Resources Commission enacted an Order designating areas within Umatilla and Morrow Counties as critical groundwater areas. At the time, only 38,258 cows scattered among small farms were drawing on the area's groundwater.

Mega-dairies have exploded in the region since then. In 2017, Morrow County had 149,340 total cows and calves, nearly quadrupling the number of cows and calves since the first mega-dairy appeared. Now, the area is being put at risk again, this time from a proposed 30,000 cow mega-dairy Easterday Farms. We can't keep letting industrial mega-dairies exploit a loophole in laws meant to protect our water.

When the stockwatering exemption was created in 1976 for use by small farmers, we couldn't have imagined the scale of water exploitation by mega-dairies. Industrial-scale mega-dairies like the ones in Umatilla and Morrow counties use several hundred thousand gallons of water a day just for drinking water for their cows.

I urge you to grant the Stand Up To Factory Farms petition for rule amendment of the 1976 Order allowing an unlimited stockwatering exemption in the Ordnance Basalt Critical Groundwater Area and the Ordnance Gravel Critical Groundwater Area. This rule amendment would ensure that the stockwatering exemption does not apply to new mega-dairy water use of more than 5,000 gallons per day within these vulnerable areas.

We must close the stockwatering exemption to new mega-dairies in order to protect our critical groundwater areas. Specifically, please grant the rule amendment from the Stand Up to Factory Farms petition that would amend the stockwatering exemption to limit new mega-dairies to 5,000 gallons of water use per day within Umatilla and Morrow Counties' critical groundwater areas. Thank you.

* * *

Oregon's leaders are failing to protect animals, Oregon's natural resources, and residents from harmful mega-dairies. Oregon's rivers, streams, and aquifers are already strained by our demands and mega-dairies — like the proposed 30,000 cow Easterday Farms on the former disastrous Lost Valley mega-dairy site — are sucking nearby aquifers dry.

I'm proud of our state's beautiful rivers, streams, and natural resources. Please do not jeopardize our water by continuing to give mega-dairies unlimited access to our water resources in critical groundwater areas under the "stockwatering exemption."

In 1976, the Ordnance Basalt and Ordnance Gravel critical groundwater areas were designated to address groundwater level declines in eastern Oregon. The designations closed the areas to new permits to use groundwater, but they specifically allowed for new exempt uses, which do not require a water appropriation permit. One such exempt use is for stockwatering, which allows factory farms and dairies limitless extraction for that purpose.

Forty years later, mega-dairies are proliferating within the critical groundwater areas. Threemile Canyon Farms — the largest mega dairy in Oregon and in all of the United States, which is permitted to confine approximately 90,000 cows — lies just outside the Ordnance Basalt and Ordnance Gravel critical groundwater areas. And as you know, a new 30,000-cow mega-dairy is in the process of moving into the former Lost Valley Farm site within the critical groundwater areas.

Industrial-scale mega-dairies like these use several hundred thousand gallons of water a day just for drinking water for their cows.

I urge you to grant the Stand Up To Factory Farms petition for rule amendment of the 1976 Order and restrict the unlimited stockwatering exemption in the Ordnance Basalt Critical Groundwater Area and the Ordnance Gravel Critical Groundwater Area. This rule amendment would ensure that the stockwatering exemption does not apply to new mega-dairy water use of more than 5,000 gallons per day within these vulnerable areas.

We need to curb mega-dairies' mega-use of Oregon's endangered water resources.

* * *

As a small farm serving the Portland and the metro area, these issues are of grave concern for us. Farmers in Oregon are working hard to provide valuable food and nutrition to our community while also doing the work to care for the earth and water that we use.

WATER IS LIFE.

Please take the time to read this and considering acting on behalf of myself and many others.

This loophole is unjust, unfair and shortsighted.

* * *

Please approve the rulemaking petition to close critical groundwater areas near Boardman to new unpermitted stockwatering uses of more than 5,000 gallons of water per day.

The permitting exemption for stockwatering might have made sense when the law was adopted in 1955, and when livestock operations were mostly small and dispersed, but the water demands of stockwatering on today's factory farms are far more than incidental. This is particularly true in the Umatilla Basin near Boardman, which already has 80,000 cows on industrial-scale dairies, and where a new dairy of about 30,000 cows is planned. Large livestock operations should not be allowed to take unlimited amounts of water from already overstressed aquifers without the reviews associated with new permits or transfers of existing water rights. The proposed limit of 5,000 gallons per day is reasonable because it is the same as the limit on commercial and industrial use without a permit.

Thank you for considering my comments.

* * *

In 2018, the NY Times reported on the impact of "water mining" in Arizona (https://www.nytimes.com/2018/07/19/magazine/the-water-wars-of-arizona.html). Outside corporations moved in and setup farming operations that used most of the local aquifer, leaving smaller farmers and long-time residents without the water they needed.

The water management regulations in Arizona were ineffective in protecting the aquifer. The people suffered. Let's not make that mistake in eastern Oregon.

Please amend the outdated 1976 Order to protect Oregon's water resources by amending the stockwatering exemption and only allowing new mega-dairies to use up to 5,000 gallons of water per day within Umatilla and Morrow counties' critical groundwater areas.

* * *

The 1976 exemption for stock watering never contemplated the huge mega dairies that have sprung up on Oregon's dry side where we already have over allocated groundwater and streams with listed fish!

Such water use has greatly expanded without change, despite the absolute imperative to protect the public's water and now a new mega dairy with at least 30,000 animals is being proposed.

The stockwatering exemption must be closed to new mega-dairies in order to protect our critical groundwater areas.

I urge you to grant the Stand Up To Factory Farms petition for rule amendment of the 1976

Order allowing an unlimited stockwatering exemption in the Ordnance Basalt Critical Groundwater Area and the Ordnance Gravel Critical Groundwater Area.
This rule amendment would ensure that the stockwatering exemption does not apply to new mega-dairy water use of more than 5,000 gallons per day within these vulnerable areas.

Please amend the outdated 1976 Order to protect Oregon's water resources by amending the stockwatering exemption and only allowing new mega-dairies to use up to 5,000 gallons of water per day within Umatilla and Morrow counties' critical groundwater areas.

* * *

I am so disappointed that mega dairies were ever allowed in Oregon. They are a proven environmental disaster. Not only are they totally inhumane they are a detriment to small farmers who use responsible practices. If it is not Nestle trying to steal water it is a mega dairy. Why is Oregon catering to these corporations?

* * *

Industrial-scale mega-dairies like these use several hundred thousand gallons of water a day just for drinking water for their cows. THIS ONE FACT ALONE SHOULD BE ENOUGH TO PUT AN END TO THESE KINDS OF CAFO FARMING PRACTICES, NOT TO MENTION THE UNNECESSARY CRUELTY THAT THESE FARMS CREATE FOR THESE INNOCENT CREATURES. THEY ARE NOT OBJECTS BUT SENTIENT BEINGS AND THEY HAVE A RIGHT TO A NORMAL LIFE!

* * *

I have been an Oregonian since 2004, and I'm concerned that our water supply is going to animal agriculture. There needs to be stronger regulations around dairy farms.

* * *

Please realize that water is a precious and finite resource. Please approve the rulemaking petition to close critical groundwater areas near Boardman to new unpermitted stockwatering uses of more than 5,000 gallons of water per day.

The permitting exemption for stockwatering might have made sense when the law was adopted in 1955, and when livestock operations were mostly small and dispersed, but the water demands of stockwatering on today's factory farms are far more than incidental. This is particularly true in the Umatilla Basin near Boardman, which already has 80,000 cows on industrial-scale dairies, and where a new dairy of about 30,000 cows is planned. Large livestock operations should not be allowed to take unlimited amounts of water from already overstressed aquifers without the reviews associated with new permits or transfers of existing water rights. The proposed limit of 5,000 gallons per day is reasonable because it is the same as the limit on commercial and industrial use without a permit.

Thank you for considering my comments.

* * *

Protect water! We all need clean water. Less water should be used for meat production. More for plants and other ecosystems.

* * *

Politician Corporate Shills must be imprisoned for life. My town of Yoncalla, end of fall gets low on city water and nears no water supply and you’re give out water to corporations.

* * *

I am writing to you from southern Oregon where we just went through a catastrophic wildfire. I had to evacuate my home for six days, and thousands of people lost their homes and businesses because high winds pushed a small grass fire into a raging firestorm due to overly dry conditions. Why is there such a drought here? It's lack of water. And you, the Oregon Water Resources Commission, has a role to play in this situation.

I'm very aware of how much water is wasted in the production of meat and dairy products. Thousands of gallons of water are need to produce just one pound of edible beef. And dairy farms are just as bad -- especially the mega-dairies that are confined animal centers.

I am writing to ask you to deny any request to allow mega-dairies to use our much needed ground water resources. Currently our local Emigrant Lake is at 2 percent of normal water level. Please do not make this situation worse by caving to the interests of diary and beef producers.

Industrial-scale mega-dairies like these use several hundred thousand gallons of water a day just for drinking water for their cows.

I have heard about a “Stand Up to Factory Farms” petition that would amend the allowance of water for watering livestock. Please support this. And please do everything else you can to protect our state's precious water resource.

Thank you for your attention to this important matter.

* * *

This urgent message comes to you because mega-dairies are not inline with the scientists on fighting climate change. They are one of the biggest culprits of science denial and if we as Oregonians are not in this same denial, we must act swiftly to rid ourselves of them. Act for the land and for the people, not for the destruction.

* * *

I am personally very connected to this issue. Our farm is nourished by gravity fed water from Mt. Hood glacier melt. The glaciers are relentlessly disappearing! Over the last 10 or so years, by August we've had to be concerned about water for crops and fire fighting. We will have water here long after lower lying properties but that doesn't mean much because my great great-grandchildren will likely be faced with much greater shortages than we are now.

All Oregonians need to deal with this stork water issue now ... just one of the dark future of diminishing water supplies ... before it's too late!!!

* * *

I am a United Methodist minister in Bend and have worked all my life in our churches to defend the most marginalized and endangered of God's astounding Creation. Oregon is so amazing and our waters are so precious, no one knows this better than the tribes who have inhabited this desert ground for millennia!!! But even an old white guy like me knows our water is at risk from mega-dairies if we give them unlimited access to water in critical groundwater areas under the "stockwatering exemption."

In 1976 when the Oregon Water Resources Commission created the stockwatering exemption it was hard to fathom CAFO dairies housing tens of thousands of cows, HUNDREDS of thousands of gallons of water per day from the aquifer to provide drinking water to cows.

Please grant the Stand Up To Factory Farms petition for rule amendment of the 1976 Order allowing an unlimited stockwatering exemption in the Ordnance Basalt Critical Groundwater Area and the Ordnance Gravel Critical Groundwater Area. This rule amendment would ensure that the stockwatering exemption does not apply to new mega-dairy water use of more than 5,000 gallons per day within these vulnerable areas. I grew up on a dairy farm in Lane County and, yes it was a different time, but the fact is the Creator made a world where all creatures could live in holy abundance if all creatures showed some holy restraint. This rule amendment is the restraint needed here. God bless your deliberations.

* * *

In order to effectively protect our precious water resources in critical groundwater areas in Oregon, we close the loophole which allows mega-dairies unlimited access to limited groundwater resources under the stockwatering exemption.

Our entire vibrant eco-system of forests, rivers, streams, wildlife and other natural resources all depend on water to thrive and continue to provide the beauty, diversity and life giving environment all Oregonians treasure as the natural heritage of our state.

We must protect this natural heritage and the water which sustains it from aggressive commercial interests which attempt to take advantage of our natural resources for private for profit gains which rely on unethical, inhumane and highly polluting practices to extract profits for overseas sales of dairy products. This extraction based model of profiteering is not suitable as a way of

life for the animals, the environment or the people of Oregon.

Unfortunately, profit driven short sighted human greed is fairly predictable, and when the Oregon Water Resources Commission enacted an Order designating areas within Umatilla and Morrow Counties as critical groundwater areas in 1976, their exemption of stockwatering from the protections made common sense. However, the influx of mega-dairies looking to take advantage of this stockwatering exemption now threatens the entire intent of the order to protect these fragile areas.

At the time, only 38,258 cows scattered among small farms were drawing on the area's groundwater. Since then, mega-dairies have proliferated in the region. In 2017, Morrow County had 149,340 total cows and calves; nearly a quadrupled number of cows since the first mega-dairy appeared. Now, the area is at risk of further groundwater degradation from a proposed 30,000 cow mega-dairy, Easterday Farms. Oregon can't keep letting industrial mega-dairies exploit a loophole in laws meant to protect our water.

When the stockwatering exemption was created in 1976, it was hard to imagine it would be used by mega-dairies housing tens of thousands of cows. Mega-dairies like the ones in Umatilla and Morrow counties use several hundred thousand gallons of water per day to provide drinking water to cows.

I urge you to grant the Stand Up To Factory Farms petition for rule amendment of the 1976 Order allowing an unlimited stockwatering exemption in the Ordnance Basalt Critical Groundwater Area and the Ordnance Gravel Critical Groundwater Area. This rule amendment would ensure that the stockwatering exemption does not apply to new mega-dairy water use of more than 5,000 gallons per day within these vulnerable areas.

* * *

As the manager of a small farm, I understand the importance of responsible water use and reliable water sources. The "stockwatering exemption" allows family farms access to water for their stock, but the exemption does not make sense for the numbers of cows in today's massive dairy operations. There needs to be a written 5,000-gallon daily limit on the amount of water that may be drawn from Umatilla and Morrow Counties' critical groundwater.

* * *

We as a community and nation demand better agricultural practices, we can't keep adding the hazardous waste or industrial waste to the soil, water or atmosphere while depleting water resources and expect different results. The water contamination from the addition of thousands more dairy cows will leach into the soil and subsoil, the local and regional water systems and create illness for humans, wildlife as well as contaminate other food production systems.

One issue, water and soil pollution, could be resolved or at the least mitigated. There is a new technology being used in the Town of Springfield, Wis. described as a purification process. The facility will receive the digested manure from GL Dairy Biogas, LLC, and run it through a series

of ultrafiltration systems and osmosis filters before dumping the water into Pheasant Branch Creek. The filtration process is designed to remove phosphorus and other nutrients from the manure, which can then be stored and used later as fertilizer.
https://www.nbc15.com/2020/09/15/new-middleton-plant-turns-cow-manure-into-drinkable-water/

The second major issue is water use. Large livestock operations should not be allowed to take unlimited amounts of water from already overstressed aquifers without the reviews associated with new permits or transfers of existing water rights. The proposed limit of 5,000 gallons per day is reasonable because it is the same as the limit on commercial and industrial use without a permit. And this is an industry use.

* * *

Food & Fiber are very important to the Oregon economy, but water is essential to all life in our state. Please approve the rulemaking petition to close critical groundwater areas near Boardman to new unpermitted stock-watering uses of more than 5,000 gallons of water per day.

* * *

I wish to comment on the public forum regarding expanding stock watering limits. I am in total agreement with the STAND UP TO FACTORY FARMS petition which would not allow the expansion of stock watering above the 5000 gallon limit. Mega dairies occurring in a part of Oregon which are showing groundwater levels dropping significantly shows a complete disregard for science. When mega dairies can have on average 30,000 + cows, the water hydrology/geology science will show that these numbers are unsustainable in a chronic drought area of Oregon. Besides the threat to a public water supply and to existing small farms' use of existing groundwater, there also exists the other environmental threats from a CAFO. The inability to safely reduce and mitigate methane emissions and contamination of water from bacteria and toxins from the manure and cattle emissions produced, and the astounding concentration of animals which, from animal husbandry standards, is highly unhealthy, are reasons enough to not allow for any expansion of stock watering limits.

Just look at the adverse environmental impacts from Lost Valley Farms which went bankrupt. There were numerous warnings and a vigorous public outcry against this mega-dairy that went unheeded. Please listen this time to the public's warnings.

* * *

It is about time the Oregon WRD put a limit on water withdrawl from a "stock watering well". Many wells are drilled as "stock watering wells" only to be used for other purposes. I am strongly in support of tightening the rules governing stock water wells. I know for a fact there are drilling contractors who knowing drill a "stock watering well" when they know it will be used for other unintended purposes.

I am in full support of this rule change.

Thank you and good work.

* * *

Just like with the fight over bottled water many Oregonians are now waking to the fact that it is far too easy for outside business to come in and take water without regard for the true cost of water in our state. I pay great amounts to water my crops because I do not get loopholes and my irrigation comes from rainwater before it makes it to the aquifers. Allowing others to drain the aquifers (which may never fill to the same levels thanks to land subsidence) is not in the interest of the state or the small family ranchers who are the real Eastern Oregon. We have been lucky enough to avoid the fate of California's Central Valley (which is 30 feet lower in elevation in many spots now), but that will not last if we leave 70s era rules in place instead of updating them to meet the new realities of agriculture and climate change.

* * *

The CAFO growth over the last 20 years in Morrow and Umatilla counties has been outrageous. Millions of gallons of waste is stored in sewage lagoons right next to farms that grow food -- and the waste is even sprayed directly on the crops as "fertilizer" -- in uncontrolled manners that damage the soil and ultimately our health and planet.

* * *

As a livestock producer, I understand the value of a stock water exemption, but it shouldn't apply without restrictions to enormous CAFOs. There needs to be responsible limits.

* * *

I am a student of public health at Portland State University and I am dedicated to advocating for regenerative, sustainable food systems which are both healthy for our environment and our communities. While small, responsible dairy farms are an important component of Oregon's agriculture, mega-dairies are a threat to small businesses, our water sources and the health of our people.

* * *

As a longtime Oregonian and a new grandfather I feel an obligation to do whatever I can to ensure that the state continues to have some of the cleanest and most beautiful waterways in the country. I am particularly concerned that the proliferation of large dairy operations have had a negative impact on groundwater, and that increasing the size and number of these mega-dairies will make the situation worse.

* * *

I will keep it short.
I stand behind the Stand Up to Factory Farms Petition.
In addition I have some other comments. Oregon is getting drier. The aquifers are even less replenished than they were, which might also be a consideration in the Review.
In addition: and I don't know whether you can take this into consideration: Oregon's small dairy farmers are struggling to make a living as mega farms oversupply the market and they have a greater impact on the market. This really comes down to feeding the big mouths of industry and letting your own children starve - even as the latter are usually better stewards of the land and foul the environment less - not to mention the care and concern they also put into their livelihood.

* * *

Please close the stock watering loophole that allows mega dairy industries to damage our water aquifers. We need laws that support small family farms instead of big industry when it comes to our land use. We not only need to sustain resources for our descendants, we need to rebuild and create new resources which is best done through small locally owned businesses.

* * *

I am writing you to ask that private business interests not be placed above the rights of our living landscapes. I am writing to ask that you use your power and responsibility honorably and protect our non-human relationships. Please end the legal loophole that is allowing mega-dairies to abuse our critical water resources under the "stockwatering exemption."

* * *

Upon further investigation and reading supplied material it is evident the existing stock water rule was not intended for large dairy operations, but rather small volume stock water wells. It is also apparent to the WRD approved the stock watering permit for the subject dairy going out side of the existing rule rather than deal with the rule change prior to issuing a permit for the dairy industry.

Now we are in clean up mode. So we should allow the rule change that is being requested to protect the existing groundwater resource. Should dairy's want or need more water they should apply for it under existing water well rules.

Confederated Tribes *of the*
Umatilla Indian Reservation

Board of Trustees

46411 Timíne Way
Pendleton, OR 97801

www.ctuir.org info@ctuir.org
Phone 541-276-3165 Fax: 541-276-3095

December 1, 2020

Breeze Potter,
Oregon Water Resources Department
725 Summer St. NE, Suite A,
Salem, OR 97301-1271

Re: CTUIR Support for Petition to Amend OAR 690-507-0070(3)(a) to close to further appropriation ground water in excess of 5,000 gallons per day under the "stockwatering" exemption in ORS 537.545(1)(a).

Dear Director Byler:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Board of Trustees supports the petition to prohibit new or expanded use of the stockwatering exemption under ORS § 537.545(1)(a) within the Ordnance Gravel Critical Ground Water Area (CGWA) and the Ordnance Basalt CGWA. Such limitation would serve to protect this limited resource and provide more certainty to existing, permitted water users within this aquifer by preventing unregulated and unmeasured water withdrawals from already declining aquifers.

The petition to prevent new or expanded use of the essentially unmeasured and unregulated exempt stockwatering under ORS § 537.545(1)(a) is essential to Oregon's ability to adequately understand and monitor appropriations in these CGWAs. This aquifer was closed by order of the predecessor agency of OWRD on April 2, 1976, but the stockwatering exemption under ORS § 537.545(1)(a) continues to apply to this aquifer. The presence and expansion of stockwatering operations in this area creates the potential for exempt use to impact or displace authorized uses. This measure is the least restrictive method to accomplish the desired effect of maintaining certainty of water use in this CGWA. Our support for this petition is consistent with our March 21, 2019 testimony to the Oregon Senate Committee on Environment and Natural Resources regarding industrial dairies and their emissions.

Please have your staff contact David Haire, CTUIR Department of Natural Resources Water Resources Protection Program at 541-429-7288 if you have any questions regarding this letter.

Respectfully,

N. Kathryn Brigham

N. Kathryn Brigham, Chair
Board of Trustees

From:	Brian Posewitz
To:	POTTER Breeze K * WRD
Subject:	Petition for Rulemaking to Close Stockwatering Exemption in Ordnance critical groundwater areas
Date:	Thursday, November 12, 2020 5:00:14 PM
Attachments:	image001.png image002.png image003.png 160205 LF LaddM to teVeldeG.pdf State should slam shut loophole that allowed dairy to tap aquifer (Statesman Journal March 24, 2018).pdf

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Greetings,

Please accept the following additional comments by WaterWatch of Oregon regarding the above matter (WaterWatch also is one of the parties that petitioned for the rulemaking):

1. The Feb. 5, 2016, letter from the Department's then regional manager, Mike Ladd, to the owner of what would become Lost Valley Farm, Greg te Velde, (attached again for convenience) describes the nature of the problem:

    a. The critical groundwater areas lack capacity for significant new groundwater uses. Hence the critical groundwater area orders of 1976, which prohibit issuance of new groundwater permits.
    b. Under the order, exempt uses (uses that do not require a permit) are allowed.
    c. Most exempt uses are limited in amount or area and are genuinely *di minimis*. However, the exemption for stockwatering is unlimited.
    d. Stockwatering, especially in the area in and around the critical groundwater areas, which has several industrial-scale dairies and beef operations, has the potential to be significant and to upset efforts to manage groundwater in the critical groundwater areas.

2. Actual water use by te Velde/Lost Valley under the stockwatering exemption (looking back) is not the issue. The issue is the potential for significant new use under the exemption in the future. Moreover, there are several reasons that exempt use by te Velde/Lost Valley may have been lower than projected, including:

    a. Significant public controversy over Lost Valley and its use of the stockwatering exemption caused Lost Valley to use water under its irrigation water rights for water delivered by canal from the Columbia River for stockwatering during the irrigation season (approximately 8 months of the year).
    b. Lost Valley never reached full build out (it planned to have 30,000 cows but only reached about 10,000 cows before it closed under a cloud of controversy).
    c. Lost Valley essentially only operated for one full year (2018).

3. The threat of significant new exempt stockwatering in the critical groundwater areas is clear. In 2018, WaterWatch received (via public records request), a list of exempt livestock watering wells since July 23, 2009 (when the Department began requiring a map that identified the wells as exempt). The list shows 22 wells in Morrow County, including wells by major operations such as R.D. Offutt and Madison Farms.

4. We recognize that exempt wells, like other uses, can be regulated in favor of senior users. However, this does not mean there is no reason to worry about significant new exempt stockwatering uses. Regulation is complicate because it takes staff resources and requires making cause-and-effect conclusions, which are complicated in the case of groundwater aquifers with several distinct water-bearing zones. If regulation was a sufficient solution for new uses in a water scarce environment, there would have been no need for the critical orders to preclude new permits.

5. For similar reasons, mitigation arrangements are not a sufficient way to address significant new exempt stockwatering uses. Because of complicated connections and lack of connections between water-bearing zones, determinations that forbearance from use in one place is mitigating exempt use in another are complex and speculative.

6. As evidence of public sentiment on this issue, attached is an editorial by the Statesman Journal in 2018 calling for the stockwatering exemption "loophole" to be closed statewide.

Thank you for considering these further comments.

Regards,

Brian Posewitz
Staff Attorney | WaterWatch of Oregon
P: 503.295.4039 x 2
213 SW Ash St, Suite 208
Portland, OR 97204
www.waterwatch.org

Join WaterWatch to Protect and Restore Oregon's Rivers

Oregon
Kate Brown, Governor

Water Resources Department
North Central Region
116 S.E. Dorion Avenue
Pendleton, OR 97801
Phone (541) 278-5456
Fax (541) 278-0287
www.wrd.state.or.us

February 5, 2016

Greg te Velde
5850 Avenue 160
Tipton, CA 93272

Re: Groundwater development for dairy operation and stockwater

Dear Mr. te Velde:

I'd like to provide some background information about the local groundwater resource in the area around your new proposed dairy located in Section 16 of T3N/R26E, Morrow County, Oregon. The subject site is located within the Ordnance Basalt Critical Groundwater Area (Ordnance Basalt CGWA), and less than one mile from the Ordnance Gravel Critical Groundwater Area. These groundwater management areas were established by Special Order Vol. 27, pp 40-86 in 1976, because significant groundwater level declines indicated annual consumptive use exceeded natural recharge of the groundwater systems. The order specifies control provisions that prohibited new permitted uses in the Ordnance Basalt CGWA and curtailed existing permitted uses in the Ordnance Gravel CGWA to protect senior groundwater users.

Your current water right transfer T-12248, currently in process with the Department, proposes to change places of use, types of use and points of appropriation (well locations) authorized by Certificates 49726, 55317, 49727, 55316. These rights currently authorize irrigation use from two basalt wells, MORR 595/590 and MORR 591, both located in the Ordnance Basalt CGWA . Please note that drilling new wells before the transfer is reviewed and approved carries a big risk. It is likely well construction conditions will be specified by a Department hydrogeologist to ensure the proposed wells will access the same aquifer as the existing wells, MORR 595/590 and MORR 591 . Also, the Department will have to do an analysis of the transfer to determine if the proposed change can be done without injury or enlargement. Additionally, transfer applications are subject to protest by the public. So, there is a lot of uncertainty on whether a transfer can be approved until the transfer goes through the entire review process required by law and rule.

Department groundwater use data indicates that average combined use at these two wells is on the order of 1000 acre-feet per year. The four certificates noted above allow up to 1029.3 acre-feet per year of groundwater use. Total annual groundwater use within the Ordnance Basalt CGWA was approximately 3000 acre-feet in 2014. At this level of use, groundwater levels in the basalt are currently declining at a rate of about 2 feet per year. This indicates that the groundwater resource is beyond its capacity, is sensitive to overdraft, and that a sustainable new use is not available without injury to senior groundwater users. The most viable water supply option for the dairy project is a combination of surface water and basalt groundwater resulting from the proposed transfer of existing water rights.

Any new appropriation from the basalts, such as stock water for 30,000 head of dairy cattle, will represent a significant new use within the CGWA that will likely injure senior users. A rough estimate of dairy cattle drinking water use, assuming 20-50 gallons per head per day, is 672 to 1680 acre-feet per year. This represents approximately 22% to 56% increase in pumpage from the Ordnance Basalt CGWA, a resource that is already declining at the current level of use. This amount of additional use is not sustainable which could cause us to look at re-opening the Ordnance basalt CGWA order and consider regulation of the most junior uses, including exempt uses.

I am happy to participate in a meeting with you and your consulting team to discuss this matter further, and look for possible solutions. But I felt it prudent to share this information with you given the scale of your proposed project. Please call me at 541.278.5456 or email me at michael.f.ladd@wrd.state.or.us if you have any questions or would like to arrange a meeting.

Sincerely,

Mike Ladd

Mike Ladd, Region Manager

Cc: Greg Silbernagel – Watermaster District 5, via e-mail
Scott Fairley – Governor's office, via e-mail
William Mathews, ODA, via e-mail
Eric Nigg, DEQ, via e-mail
Carla McLane, Morrow County, via e-mail
Ivan Gall – Field Services Division, via e-mail
Wayne Downey, IRZ Consulting, via e-mail

statesman journal

EDITORIALS | Opinion *This piece expresses the views of its author(s), separate from those of this publication.*

State should slam shut loophole that allowed dairy to tap aquifer

Statesman Journal Editorial Board

Published 8:49 p.m. PT Mar. 24, 2018 | **Updated 8:51 p.m. PT Mar. 24, 2018**

Water is a finite natural resource.

So Oregon taxpayers should never have to read that state officials have no idea how much water a commercial operation is taking out of an endangered aquifer.

A Statesman Journal investigative story by reporter Tracy Loew revealed the state fell down on its job of managing precious groundwater by allowing a dairy to exploit a loophole in state regulations.

Loew's investigation shows that Lost Valley Farm near Boardman has been using a loophole in Oregon law to pull water out of an underground aquifer that has been off limits to new wells since 1976.

Oregon law allows exempt wells for limited use, and requires that the water is put to a "beneficial use." Lost Valley Farm is using the exemption comfortable in the knowledge that livestock watering is such a beneficial use.

The insolence shown by California businessman Greg te Velde, who owns the dairy, screams for Oregon to take action now, close the loophole, and ensure that it's not manipulated again.

Doing so may be of little comfort to neighboring farmers who are now fearful that their water supplies are at risk because pumping levels were in decline before te Velde tapped the aquifer.

It's time to slam this loophole shut.

Investigation: State officials let mega-dairy use loophole to tap endangered Oregon aquifer

Lost Valley owner: Oregon mega-dairy owner charged with patronizing a prostitute, meth possession

Dairy not shut down: Oregon mega-dairy, accused of polluting groundwater, won't be shut down

A little background: Lost Valley Farm, the second-largest dairy in the state, made promises it didn't keep, and has not secured rights to the nearly 1 million gallons of water per day it needs for thousands of cows to drink, and to process milk.

It's problematic, too, that many in state government, from the governor's office to state agencies such as the Oregon Department of Agriculture, the Oregon Department of Environmental Quality, and the Water Resources Department, questioned whether the water-rights transfer would go through but approved the dairy anyway.

Was it because te Velde promised to bring more than 100 jobs to the rural community? Improving the economy of a rural area is good; drying up wells and ignoring senior water users' rights is bad.

The dairy was approved despite te Velde's already proven pattern of violating state regulation. For instance, in 2016, the dairy drilled three wells into the already-dwindling aquifer without telling the state, as required by law. And he refused to register them for months after state officials found out.

Next, when conservationists challenged the proposed water-rights transfer, te Velde told state officials he would truck in water, but records show he brought in little on his own.

Rewarding someone who misleads is problematic.

Sen. Michael Dembrow, D-Portland, is chairman of the state senate's Environment and Natural Resources Committee. He said it's too soon to tell if a statutory fix is needed, or if the state agencies already have the authority to take any necessary steps to close the loophole.

But Brian Posewitz, a staff attorney for the water-protection group WaterWatch of Oregon, said, "in light of Lost Valley Farm's use of the "stockwatering" exemption for what could be up to 30,000 cows, we hope to see widespread interest in closing this loophole in Oregon's water permitting requirements. We believe the Oregon Water Resources Department, as stewards of the public water supply, should make this part of its legislative agenda for 2019."

Protecting the state's resources requires vigilance and transparency. We'd hope the state would practice both.

Friends of Family Farmers ⋄ PO Box 396 ⋄ Corbett, OR 97019

503-581-7124 ⋄ www.FriendsofFamilyFarmers.org

November 9, 2020

Breeze Potter, Oregon Water Resources Department
725 Summer St. NE, Suite A,
Salem, OR 97301-1271

Via email to: breeze.k.potter@oregon.gov

Public Comment for Stockwatering Petition for Rule Amendment

Dear Ms. Potter:

My name is Amy Wong and I am the Policy Director at Friends of Family Farmers (FoFF). FoFF, an Oregon non-profit organization, has advocated on behalf of socially and environmentally responsible family-scale farmers and ranchers across Oregon for over 15 years. FoFF works to build strong local and regional food systems, and to ensure that family-scale agriculture remains viable in our state today and into the future.

Today I am writing in support of the petition asking that the Commission "prohibit new or expanded exempt uses for stockwatering in the Ordnance CGWAs" through amendment, by rule, of the Commission's Order dated April 2, 1976, which is referenced in OAR 690-507-0070(3)(a).

As Tracy Loew, Statesman Journal reporter, wrote in a March 24, 2018 article, "Water is a finite natural resource." Yet, this stockwatering loophole has allowed mega-dairies in Eastern Oregon to use water from an endangered aquifer that has otherwise been off limits to new wells since the order was put in place in1976.

In 1976, the critical groundwater areas were designated in order to address groundwater level declines near Boardman. The designations closed the areas to new permits to use groundwater, but they specifically allowed for exempt uses, which do not require a water appropriation permit, like stockwatering. However, much has changed in animal agriculture, especially the dairy industry, since this time. In 1974, Morrow county had

38,258 total cows and calves.[1] By 2017, the county had 149,340 total cows and calves.[2] Instead of many small farms with animals dispersed on pasture, Oregon is now home to large mega-dairies with tens of thousands of cows confined to produce milk, a trend that began in the late 1990s.

It is hard to imagine that policy makers concerned with critical groundwater levels in 1976 envisioned dairy operations using the stockwatering exemption to water over 100,000 confined cows, a sentiment also alluded to in the Statesman Journal article, which states "it's time to slam this loophole shut."

Friends of Family Farmers strongly agrees and urges the Oregon Water Resources Commission to restrict new mega-dairy's use of groundwater in eastern Oregon where special protections are needed.

All industrial animal agriculture facilities consume vast quantities of water, but publicly available groundwater data reveals that mega dairies are particularly water-intensive, requiring even more water than feedlots. The continued expansion of industrial dairy facilities within critical groundwater areas has and will exploit water reserves at even greater rates than other industrial facilities.

This exemption is outdated and being exploited in ways that are contrary to common sense and sound water policy. It is time to better manage Oregon's natural resources, especially in critical groundwater areas.

Most sincerely,

Amy M Wong

Amy Wong

Policy Director, Friends of Family Farmers

[1] USDA, 1974 CENSUS OF AGRICULTURE – COUNTY SUMMARY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib.cornell.edu/usda/AgCensus Images/1974/01/37/306/Table-12.pdf (1974 Census).

[2] USDA, 2017 CENSUS OF AGRICULTURE – COUNTY DATA, CATTLE AND CALVES – INVENTORY AND SALES, http://usda.mannlib.cornell.edu/usda/AgCensusImages/ 1974/01/37/306/Table-12.pdf (2017 Census)

December 1, 2020

VIA EMAIL

Oregon Water Resources Commission
Care of Breeze Potter
Oregon Water Resources Department 725 Summer St. NE, Suite A,
Salem, OR 97301-1271
Email: breeze.k.potter@oregon.gov

Re: Petition for Rule Amendment or Rulemaking to Limit Exempt Stockwatering In Ordnance Critical Groundwater Areas

Dear Chair Reeves and Members of the Commission:

Please consider the following comments on the above matter from Stand Up to Factory Farms, a coalition of 11 local, state and national organizations concerned about the harmful effects of mega-dairies on Oregon's family farms, communities, environment and animal welfare.[1] Since petitioners are members of the coalition, these comments are primarily in response to comments submitted so far in opposition to the petition. As discussed further below:

[1] Members of the coalition are Animal Legal Defense Fund, Center for Food Safety, Center for Biological Diversity, Columbia Riverkeeper, Farm Forward, Friends of the Columbia Gorge, Food & Water Watch, Humane Voters Oregon, Oregon Rural Action, Friends of Family Farmers and WaterWatch of Oregon.

I. The Petition Does Not Undermine Regional Economic Development or Water Planning Efforts.

Regional comments in opposition to the Petition promote the significance of the regional agricultural economy, efforts to grow that economy, and collaborative efforts to manage water resources in the area. The Petition proposes nothing that would undermine those efforts. In fact, it would promote those efforts by preventing unlimited new, *unpermitted* groundwater extractions from aquifers that the region is already struggling to stabilize.

The "Regional Comments" note that, "[f]or over four decades, the Mid-Columbia Region has attempted to fix groundwater curtailments caused by the State of Oregon and Oregon Water Resources Department over-appropriation of aquifers." (Regional Comments, p. 2.) Yet, as discussed in the petition, the basalt aquifer continues to decline, and the alluvial aquifer requires artificial recharge to remain stable. Significant new unpermitted use under an exemption for "stockwatering" cannot possibly help that situation.

Opponents treat the Petition as a request to ban any new or expanded livestock operation in the area. The Petition does not make that ask. It is a simple, narrow request to *limit* – to 5,000 gallons per day, the same as for commercial and industrial uses – any new, *unpermitted* groundwater extractions for stockwatering in two critical groundwater areas that already are struggling from over-appropriation. The Petition does not "target" livestock operations. Those just happen to be the only water users with an unlimited exemption from permit requirements for a significant part of their water demand.

While it is true that petitioners are part of a coalition with a stated goal of stopping new and expanded factory-style dairies in Oregon (for the benefit of family farms and rural economies as well as the environment and animal welfare), we encourage the Commission to focus on the merits of petitioners specific proposal and not the opponents' characterization of our larger agenda.

Concerns raised in the Petition are not just concerns of outsiders. Petitioners have members and supporters in the area. Other local residents are also concerned about the impacts on area water supplies from industrial-scale confined animal feeding operations. According to minutes of the Oregon Sustainability Board, Morrow County's Planning Director told the Board in October 2017:

> Morrow County has 165 dairy cows to every person. There are also beef cows. The large dairies arrived in 2001. Tillamook Cheese also came to Morrow County and now produces twice as much cheese in Morrow County as in Tillamook County. The dairies range in size from 1,000 cows to 30,000 cows. *Local residents are concerned about the impacts of the dairies on air quality, ground water quality, and use of water. Residents are more concerned about water than air*.

(Minutes of Oregon Sustainability Board, Oct. 5, 2017 (Attachment 1), p. 3 of attachment (emphasis added).)

II. The Critical Groundwater Areas Need More Protection.

Comments in opposition to the Petition do not seriously challenge the basic premise of the petition: that new and expanded large-scale confined animal feeding operations are likely to occur in the Ordnance critical groundwater areas and that allowing them to use the stockwatering exemption to supply drinking water to the animals would add significant new demands to already over-allocated aquifers.

Opponents suggest the risk of that is low. They claim Lost Valley Farm did not use the exemption, that no existing dairies in the critical areas use it, and that Easterday Farms, the new dairy planned for the old Lost Valley site, has no plans to use it. Our information is to the contrary.

The Department told petitioners that Lost Valley was using the stockwatering exemption at least part of the year, drawing groundwater without a permit from deep basalt aquifers already in perilous decline.[2] Indeed, Lost Valley filed three well logs as exempt wells.[3] (Attachment 2.)

Similarly, we were told as recently as September that use of the stockwatering exemption was still among the options Easterday was considering for its water supply. Easterday also famously used Washington's stockwatering exemption to water 30,000 cows (between 450,000 and 600,000 gallons of water per day), successfully fighting off a claim that the relevant statute in Washington limited the exemption to 5,000 gallons per day. *Five Corners Family Farmers v. State*, 173 Wash.2d 296, 268 P.3d 892 (2011).

The claim that no existing dairies in the critical areas use the exemption cannot easily be verified for wells drilled before July 23, 2009 (as far as we know).[4] However, information from the Department indicates that the Sage Hollow Ranch dairy (also referred to as the Bosma dairy), which has about 8,000 dairy cows a mile north of the Lost Valley/Easterday site in what we understand to be part of the Ordnance Basalt Critical Groundwater Area, drilled a well in 2011 under a claim of exemption and identified livestock as a use (along with industrial and commercial use, which is limited by statute to 5,000 gallons per day). (Attachment 3.)

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[2] The Department later told us that Lost Valley used water from the Columbia River, delivered by an irrigation district canal, for stockwatering during the irrigation season but used its exempt well outside the irrigation season because the canal was turned off. A dairy about a mile away, Sage Hollow Ranch, agreed to not use its groundwater wells in exchange for seasonal transfers of surface water from Lost Valley. However, given the complexities of aquifer connections and disconnections, and of wells pulling from different water-bearing zones, there is no assurance that the "forbearance" by Sage Hollow offset the exempt well use by Lost Valley.

[3] The logs are for wells on a list provided to us by the Department of all exempt wells identifying "livestock" as a use since July 23, 2009. Before that, well logs were submitted without indication as to whether the well was drilled as an exempt well or a permitted well.

[4] See previous footnote.

In any event, the question is not so much whether large confined animal feeding operations presently use the stockwatering exemption for drinking water for their animals, but whether such operations (existing or new) are likely to do so in the future. Given recent trends, fueled in part by the Tillamook processing facility in Boardman, the answer to that question seems to be "yes." (Petition; Oregon Sustainability Board Minutes (Attachment 1), p. 3 of attachment (quoted at the end of Section I above).)

Meanwhile, as recently as late September, groundwater levels in observation wells on the Sage Hollow/Bosma and Lost Valley/Easterday properties were continuing to decline dramatically, even though Lost Valley supposedly mitigated its use of groundwater for stockwatering by getting Sage Hollow/Bosma not to use its groundwater wells. (Attachment 4.)

Finally, Department documents show that, before the Petition was filed or any plan to do so was disclosed, the Department was considering initiating a rulemaking *on its own* to limit stockwatering in the Umatilla Basin as a whole. (Attachment 5, pp. 2-3.) Our understanding is that the Department discontinued that effort out of concern for agency resources, but we believe the rulemaking we request would be relatively simple (as rulemakings go) and would result in fewer demands on agency resources in the long run. (See final section below.)

III. Continuous Case-by-Case Regulation Is Not a Reasonable Alternative.

Comments opposed to the rulemaking also point out that the Department can regulate exempt use based on seniority. (*E.g.*, Comments of Farm Bureau, et. al., p. 2.) Petitioners are aware of that. For several reasons, however, regulation is not an acceptable substitute for the requested rulemaking. First, regulation generally requires a "call" by a senior water user. It is not initiated by the Department simply to protect the public interest in long-term sustainability of groundwater resources. Second, regulation of exempt use may require a conclusion that the exempt use is preventing a senior water right from receiving water to which it is legally entitled. That causal conclusion may be complicated in the case of groundwater aquifers consisting of several distinct water-bearing zones and older wells that may draw from several different zones.

The clearest proof that regulation is no substitute for a clean, simple rule is the critical area orders themselves. Before the orders, the Department could regulate junior use in favor of senior use. Clearly that was not considered an adequate solution. If it was, the orders would have relied on regulation instead of closing the areas to new permits entirely. The orders continued to allow exempt use, but likely only because it was considered *de minimis*. As demonstrated in the Petition and elsewhere (e.g., Attachment 1), that has changed, and it is now time to put a volume limit on new and expanded stockwatering in the Ordnance critical groundwater areas.

IV. The Petition Is Procedurally Proper and Will Provide Opportunity for Further Stakeholder Involvement.

Comments by the Farm Bureau, et. al. suggest the Commission lacks authority to take the action requested by the Petition. However, the Commission does have such authority. Since issuance of the Ordnance critical groundwater orders, the process for designating critical groundwater areas has changed from agency order to agency rulemaking. ORS 537.730 to ORS 537.740. Thus, although the statutes do not expressly say so, the process for changing restrictions within a critical groundwater area is, by implication, through rulemaking. Moreover, the critical groundwater orders are now, by reference in the Umatilla Basin Program, embodied in Commission rules. OAR 690-507-0070(3)(a). This further suggests that a rulemaking is the appropriate process for modifying the orders.

The Farm Bureau, et. al. note the statutory provision requiring at least 60 days between notice of the proposed rulemaking and a hearing on the rulemaking. ORS 537.730(2). We see no reason the terms of that provision cannot be met. To be clear, the Petition, like all petitions for rulemaking, asks the Commission only to initiate the process to consider adopting the proposed rule. ORS 183.390(1) ("Not later than 90 days after the date of submission of a petition, the agency either shall deny the Petition in writing or shall *initiate* rulemaking proceedings in accordance with ORS 183.335." (Emphasis added).) The Petition does not (and cannot) ask the Commission simply to adopt the proposed rule at its meeting in December. If the Commission accepts the petition, the next step will be initiation of rulemaking under ORS 183.335, with all the procedural protections provided in that process, including the special 60-day window between notice and hearing. ORS 537.730(2). The process could also consider, as we understand it, a rules advisory committee and alternatives to the specific rule amendment that petitioners propose.

V. The Proposed Rule Would Not Change County Land Use Laws.

Several opposing comments claim the proposed rulemaking would amount to a change in Morrow County's land use laws without following the process for that. To put it mildly, that is a stretch. The proposed rule would say nothing about what types of land uses are allowed where. It would just require those uses to have a permit for water use that exceeds a certain threshold, like all other water uses. An "outright allowed use" under land use laws is not entitled to protection from all other regulation, state and local, that might make that land use more difficult. If the opponents' argument on this issue had any merit, the state would have no authority to change water law, or any other law, in a way that made any type of land use easier or more difficult. That obviously is not the law.

VI. The Proposed Rule Would Not Infringe the "Right to Farm."

Without explanation, Morrow County claims that Oregon's "Right to Farm" (RTF) Act prohibits the requested rulemaking. But the RTF Act, ORS 30.935, does not apply to the Department or the rulemaking sought by the Petition. As plainly written,

ORS 30.935 applies to "local government or special district" laws or regulations. THe Department is neither a local government, nor a special district; it is an arm of the state government. This makes sense, as the purpose of the RTF Act is to prevent urban/suburban sprawl from harming agricultural and forest lands, through either private rights of action or by local government entities. *See* ORS 30.933(2)(d) ("Certain private rights of action and the authority of local governments and special districts to declare farming and forest practices to be nuisances or trespass must be limited because such claims for relief and local government ordinances are inconsistent with land use policies…"). The purpose of the RTF Act is to prevent local entities from making laws inconsistent with statewide land use planning and *state* regulations, and because the Department is a state agency, the RTF Act simply does not apply.

Even if the RTF applied to the Department, it would not apply to the requested regulation here, as it is not a nuisance or trespass action, it does not regulate a "farming activity," and it is exempted as protecting against damage to other commercial agriculture products. Given the purpose of the Act, which is to prevent suburban sprawl from infringing on farming in rural areas designated for farm use, it is logical that it would have nothing to do with the state protecting groundwater resources and deciding how best to allocate these resources among various users, including *other* commercial agriculture. *See* ORS 30.930 to ORS 30.936.

VII. The Proposed Rule Would Not Require Compensation Under Measure 49 or Measure 56.

Without citing the relevant codification or setting forth any applicable text, Morrow County claims the proposed state administrative rule amendment regarding management of Oregon's water resources would trigger requirements for notice and compensation under land use ballot Measures 49 and 56. We disagree. This proposed rulemaking does not fall under the definition of "land use regulation" found at ORS 195.300(14) so Measure 49 is not implicated. Measure 56 is not implicated because, under the plain wording of ORS 197.047(2), the only state agency to which Measure 56 applies is DLCD/LCDC, and not the Water Resources Department. The proposed rule simply would not trigger either Measure 49 or 56.

VIII. The Proposed Rulemaking Would Be A Reasonable Use of Agency Resources.

We recognize the Petition is coming at a difficult time in which agency resources are strained. We nevertheless believe that the requested rulemaking would be a wise use of agency resources. First, we believe the resource expenditure would be moderate, relatively speaking. The requested rule amendment is simple and straight-forward. There is not extensive text to negotiate, draft and re-draft, and discussions can focus on a single, discrete issue. Second, adoption of the requested rule would reduce demands for agency resources later: resources to persuade new and expanded confined animal feeding operations to not use the stockwatering exemption in the critical groundwater areas; resources to review and monitor attempts to mitigate impacts of exempt use; resources to review and approve applications necessary to implement mitigation measures; resources

to monitor impacts of the exempt use; and resources to regulate exempt use in favor of senior water rights (the solution suggested by the Farm Bureau and others).[5]

IX. Conclusion.

For reasons given in the Petition and above, the Commission should accept the Petition and initiate rulemaking to further consider the rule proposed by petitioners.

Sincerely,

Stand Up To Factory Farms Coalition

[5] For example, the supposed mitigation for Lost Valley's unpermitted groundwater use under the stockwatering exemption required seasonal in-district transfers of a portion of Lost Valley's Columbia River surface water rights.

MINUTES

Oregon Sustainability Board

Meeting Date: October 5-6, 2017

Time: 9 a.m. – 4 p.m.

Location: 10/05/2017 SAGE Center, Port of Morrow, 101 Olson Road, Boardman, Oregon
10/06/2017 South Gilliam County Rural Fire District Building 220 N. Main Street, Condon, OR

Attendees: **Board members:** John Miller (Chair), Serena Dietrich, Roje Gootee, Mark Nystrom, Rory Schmick
By Phone: Lisa Gaines, Lauri Aunan
Support: Dave Wortman, DAS; Elin Shepard, ClearResult
Unable to attend: David Gremmels, Lori Hollingsworth
Call in Number: 1-866-377-3315 **Passcode:** 9604566#

Guests & Presenters:

October 5, Boardman: Jim Doherty, Morrow County Commissioner; Carla McLane, Morrow County Planning Director; Barry Beyeler, Community Development Director, City of Boardman; Lisa Mittelsdorf, Director of Economic Development, Port of Morrow

October 6, Condon: Kathryn Greiner, City Administrator, City of Condon; Christina Kirwan, Gilliam County Soil and Water Conservation District; Jordan Maley, Oregon State University Extension, Gilliam County; Community Action Program of East-Central Oregon (CAPECO), Matt Stanfield; Weekly Newspaper.

ITEM	DISCUSSION
Thursday, October 5, 2017 **Location: SAGE Center, Port of Morrow, 101 Olson Road, Boardman**	
Agenda Handout	Board chair John Miller welcomed everyone and introductions were made of those in attendance.
Board Business, David Wortman, Statewide Sustainability Officer	
	Approval of Minutes: Minutes for the May 5, 2017 Board meeting were approved with two edits: Rory Schmick was in attendance but his name is missing from the attendee list; and Travel Oregon presentation requires correction related to statement of relevance of what they do to sustainability. ***Action:*** *Elaine will correct the May 5, 2017 minutes.* **DAS Sustainability Officer, Dave Wortman** Dave shared his background and gave an update of his activities during his four-month tenure at DAS. His experience has taught him how to work with organizations in a strategic way to further sustainability. He is casting a wider net including executive order discussions, reviving green teams, updating the DAS Sustainability Plan, and setting up a strategic management framework in Phase 4 of the DAS sustainability plan. He presented an annual work plan, which is intended to be a living document, updated and refined quarterly. Dave will report activities and accomplishments to the Interagency Sustainability Coordinators Network (ISCN) and Board quarterly to ensure activities are aligned with board priorities. • **Phase I sustainability survey update** Dave shared a PowerPoint of the state agency leadership sustainability survey questions and results. Following collaboration with the Board, the ISCN, and the Governor's office, Phase I of the survey was developed, rolled out and compiled. The survey contained 9 questions. The initial survey and follow-up was sent out by The Governor's office using a

Presentation - Jim Doherty, Morrow County Commissioner	
	Jim Doherty, Morrow County Commissioner, shared some challenges Morrow County is experiencing: • Preparing and adapting for the future is a challenge as well as farmland irrigation. • Public Health. A judge did the health piece for 20+ years and has stepped down so he took it over. National Geographic did a study many years ago about where people are living the longest, why, and what they have in common. Some things like bike paths and walking paths, eating more vegetables, having wine at 5 p.m., belonging to faith and community groups, having a social tribe and prioritizing family first are some things identified. It is natural that the rural communities are losing those things, Boardman is pushing to bring those back. They also want to put health considerations into all policies including road work around the County. • High speed internet. Currently they have dial up broadband so there is a push to get high speed internet to all communities. • Energy is central in Morrow County. There are 15 wind, solar, natural gas, and biomass projects in waiting. High paying jobs are available but 60% to 70% of the labor force is imported from other cities because Boardman does not have enough housing. • Transportation. Small cities and counties will receive funding through the 2017 transportation package HB2017 (page 82). Boardman plans to set up a transit system to get workers coming from Hermiston, Pendleton, and Tri-cities, where the labor pool comes from. The County has the third highest income level in the state but the workers live in other cities. The tribes fund little pockets of transit from Hermiston. The biggest challenge is implementing and coordinating an integrated transportation system in cooperation with the surrounding cities. There are pockets of transit service and there are funds for these things but getting blue zones off the ground is visionary and difficult. • Housing - There is not enough affordable housing for the workers to live in Boardman so they live in other cities and commute. In 1960 the County seat was in Heppner with 200 people, but it is becoming a ghost town after the closure of the mill. These small communities need to be re-built so workers want to live in these small towns. The best thing coming out of small communities is the people. The City of Boardman has taken some money from the energy projects to put into schools focused on STEM, arts, and music programs. These STEM schools make it possible for students to come out of school and go to work. There are currently 200 students but 400 are turned away every year. Housing is needed to get workers to live there and build sustainable communities.
Presentation - Carla McLane, Morrow County Planning Director & Chair of the Transportation Committee	
	Carla McLane, the Morrow County Planning Director and Chair of the Transportation Committee, presented on behalf of Karen Pettigrew, the City Manager. Carla shared some unique challenges that the City of Boardman and Morrow County are experiencing: • Carla did not know the Board existed and does not know what the Board does or why. • Morrow County adopted a Comprehensive Plan in 1980; it was acknowledged in 1986 and there was an industrial land use challenge by 1,000 Friends of Oregon. • Morrow County became energy central in Oregon. They have a coal fired plant, a gas fired plant, and several nuclear and hydro systems that generate electricity. The coal fired plant is facing closure and the state is making different choices around nuclear but they are still energy central. Every month or so, the Energy Facility Siting Council sends out solicitations for a 90-day look ahead. One-half to one-third of the projects are being sited in Morrow County or in adjacent Gilliam or Umatilla Counties. Three large power lines carry power to much of the Pacific Northwest and the entire west coast from coal, gas, and hydro systems. • Data centers are coming to the area. There are now five sites with one provider. Two sites have room to expand and another is building two sites in Umatilla County. The County creates a lot of energy, but these large data centers consume a lot too. • Wind developers find that Morrow County is a good location for wind turbines. While planning for wind began in 1970 and was included in the Comprehensive Plan, it did not happen until 2000 when wind turbine construction exploded. • Solar development is not ready yet. There are at least five projects in Morrow County in the tire kicking stage. One is on 600 acres expected to be a 75 megawatt project. • The lack of sustained wind and solar power generation causes some concern because the wind does not always blow and the sun does not always shine. The Governor's Ten Year Energy Plan calls for renewables. A balanced mix serves us all at the end of the day. The solar and wind facilities also have impacts on the highly productive agricultural lands. There is an extensive

distance from the renewable energy generation site to the grid. They are working locally to find solutions but it is not easy. The soil is not "high value," it is class 4 soil. However, when it is irrigated, crops grow well and it is highly productive agricultural land with two and three crops per year. Craig Reeder is the local expert on agricultural land and can outline the value of the land.

- The big concern and frustration is the lack of consideration for how power moves from point A to B. Oregon's Ten Year Energy Plan and Renewable Portfolio Standard (RPS) do not take into consideration where generation will happen and how it will get to the use centers. The rural counties are not included in the conversation about the change in landscape and change to industries. The counties are left with figuring out a balance at the local level after decisions are made. Conversations need to include the local people in rural counties before decision making is done. If the local landowners are not involved in the conversation, they won't buy in.
- Sustainable agriculture. Soil and water convergence creates crops and this area feeds the world. Heppner was founded in 1850, settled by the Irish. Umatilla County has one of the largest sheep farms in the country and dry land wheat. The basin grows a diverse range of crops with double and triple crops in a year. When irrigation came in the 1960s, potatoes became prominent. Farmers and ranchers believe they apply sustainable practices and a lot has been learned in 150 years. They are careful about use of water. There is a ground water agreement with DEQ due to an elevated level of nitrates in the ground water. They watch water quality carefully but there is no clearly identified source point. It is probably naturally occurring but they don't know yet. It has been monitored for 20+ years. The original committee was formed early in the 1990s and they are now in the process of completing their second voluntary action plan. Water is an important piece.
- Threemile Canyon Farms has been a leader in sustainable agricultural processes over the past decade. The farm has 93,000 acres and blends one of the nation's largest dairy operations with extensive production of potatoes and other crops. Morrow County has 165 dairy cows to every person. There are also beef cows. The large dairies arrived in 2001. Tillamook Cheese also came to Morrow County and now produces twice as much cheese in Morrow County as in Tillamook County. The dairies range in size from 1,000 cows to 30,000 cows. Local residents are concerned about the impacts of the dairies on air quality, ground water quality, and use of water. Residents are more concerned about water than air. The state Water Resources Department looked at water usage and implemented some accountability for water consumption and some water right transfers were processed to balance use of water with neighbors. One cow can drink 30 gallons of water per day on a hot day. A lot of innovation has been implemented to deal with waste products. They are capturing methane and two digesters are turning turbines at Threemile. Both their size and location - far removed from towns and population centers - provide plenty of area for crop rotation, wildlife buffers, and composting dairy wastes.
- Lost Valley Ranch dairy was established in 2002 on land leased from Threemile Canyon Farms. Now Lost Valley Ranch will relocate and expand its operation onto 7,288 acres purchased from the former Boardman Tree Farm and will house 30,000 cows. They milk 10,000 cows at any one time. Lost Valley is required to account for water consumption and they are implementing innovations. The dairies have chosen to do many things voluntarily to find solutions for water and waste and have proven to be good neighbors. They have also created a lot of good jobs.
- Forestry. There is strong acknowledgement of the need to remove dead stock and create nursery trees to maintain healthy forests. They have been working for 15 years on a forest plan with Washington, Idaho, Umatilla and Morrow Counties, and the Greater Eastern Oregon Development Corporation. A regional strategic economic development document is in development for 2019 to 2024. Economic development strategy ties to energy. Heppner was a thriving community until the 1990s when the mill closed. The population was impacted and that contraction impacted the school system. The north end of Morrow County became larger by Heppner's shrinking. Bringing some forest jobs back and creating healthy forests would help rebuild Heppner. If we don't find ways to help our smallest communities become sustainable, we won't have small communities. It takes jobs, schools, a market, churches, day care, and housing for a community to survive.
- The coal-fired power plant is closing in 2022 but the infrastructure is valuable. It was once the largest item on the city's financial statement and they want it to continue to be a productive investment. It is still an asset and they don't want it to become an eye sore. There have been conversations with PGE about converting the plant to burn other things such as biomass or another cleaner generation source.
- A community planning workshop was conducted at the University of Oregon about community planning for the new natural resource economy.
- Complete communities take a long time to create, but it is where they want to get to. Boardman has

worked for 20 years to identify what a complete community would look like. People work in Boardman but don't live there so they don't shop there, or volunteer there or pay taxes there. They do those things where they live, not where they work. A community needs jobs, schools, a market, church, day care, gas station. There needs to be a bigger system of jobs, shopping, and housing that is connected.

- The biggest barrier in addition to land use, lack of capital and lack of builders, is that housing developers do not want to build houses in Boardman because profits are higher in Hermiston and in the Tri-cities. It is not a land use issue. The Tri-cities saw amazing changes in the 70s and 80s and continues to grow because of federal funding and disposable income from the wine industry. The city and the county have offered incentives up to $37,000 and contractors have taken advantage of that. One contractor builds 9 to 10 homes per year and they are sold as soon as built. The growth jobs have more to do with attracting workers than the incentives. It is the market, not construction costs. People want to spend $180,000 to $200,000 for a house in Boardman but they will pay $250,000 to $280,000 in the Tri-cities and they also pay to commute. More applications for building permits are coming in than they saw during the summer. An apartment complex will be built in Boardman that will fill a gap and do wonders for the community.
- Transit Options - Boardman has "The Loop" serving Morrow County veterans, seniors, and the disabled. "Kayak Transit" is funded by the Umatilla Indian Tribe and is a fixed route between Pendleton, Hermiston, Irrigon, and back. There is transit between the Tri-cities and LaGrande using small 15-passenger buses, which is saving commuters $10,000 to $12,000 per year. They want to establish a healthy commute alliance with these other communities, but it is not healthy right now. If a worker does not live in Morrow County, they cannot go get them and bring them back. Morrow County wants to apply for federal 5311 money in the future to help with transit. HB2017 funding will also help.

Presentation - Barry Beyeler, Community Development Director, City of Boardman

- In 2002 the City of Boardman passed the Oregon Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation model code, which was a step forward for them. They modified it to fit local conditions since the model code was too urban to make it work in Boardman. They addressed storm water management. Storm water has a low impact in Boardman because if water drops on your lot, it stays on your land due to the sandy soil. The water does not go into the river. The Columbia River Enterprise zone helps with gap lending for new housing. A new homeowner can get $5,000 from the Boardman Community Development Association, funded by the Columbia River Enterprise Zone. This opportunity is available through Morrow County from different entities.
- In 2011, former Governor Kitzhaber's Regional Solutions program partnered to solve some workforce housing issues. One of the best things for the community is that water streams are not waste streams, but resource streams. In 1978 the City of Boardman implemented a water pollution control project that pipes waste water to the lagoon and farmland is irrigated with waste water. The waste water is not going back to the river, it is getting reused and repurposed.
- The Port recycles food processing wastewater to irrigate Port-owned land for farm use.
- Waste feed stock. Potatoes are processed off-site and the processing wastes (peels and culls) are returned to the farm and recycled for use as dairy feed stock. Alfalfa, corn, and other rotation crops provide feed for dairy and beef cattle. Corn mash has been a standard part of the business for 35-40 years.
- Methane gas is being extracted from dairy manure to improve air quality and to produce fuel. The Climate Trust partially funded that whole process. They continually look for opportunities to expand the use of digesters.
- Boardman is energy central and grid stability is a concern going forward. Transmission to the grid is also a concern. Trying to integrate renewables into the grid is challenging. If you cannot get energy from A to B, what is the use of putting up a generation facility? Grid modernization is a multi-year program. Transmission will be going to the Dittmer Control Center if the Bonneville Power Administration (BPA) goes down in Portland. They are trying to integrate renewable resources within the grid, but it is difficult in an ever-changing market. They are moving to transmission lines with an interstate renewable energy project, but it becomes challenging to site a linear facility with lots of counties, municipalities, and property owners.

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MORR 52293

12/14/2015

WELL I.D. LABEL# L 117303
START CARD # 1029000
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D.
First Name GREG Last Name TE VELDE
Company
Address 5850 AVENUE 160
City TIPTON State CA Zip 93272

(2) TYPE OF WORK

[X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (complete 2a & 10) [ ] Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE

[ ] Domestic [ ] Irrigation [ ] Community
[ ] Industrial/ Commericial [X] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [X] Other CONSTRUCTION

(5) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Well 172.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
12	0	18	Bentonite	0	20	13	S
10	18	153			Calculated	10.65	
7.5	153	172					
					Calculated		

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E
[X] Other BENTONITE POURED
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
●	○	8	X	1.5	153	.250	●	○	X	
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		

Shoe [X] Inside [ ] Outside [ ] Other Location of shoe(s) 153
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method
Screens Type perforated Material stainless

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Screen	Liner	6	152	172	.016			

(8) WELL TESTS: Minimum testing time is 1 hour

○ Pump ○ Bailer ● Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
85		172	3

Temperature 59 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount 200 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MORROW Twp 3.00 N N/S Range 26.00 E E/W WM
Sec 16 NW 1/4 of the NE 1/4 Tax Lot 500
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
( ) Street address of well (●) Nearest address
NEAREST: WEST OF POLELINE RD AND HOMESTEAD LN IN BOARDMAN.

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration			[ ]	
Completed Well	12/4/2015		[ ]	53

Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 96.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
12/4/2015	53	172	100			53

(11) WELL LOG

Ground Elevation

Material	From	To
Silt	0	2
Silt and sand	2	15
Brown silty loam	15	74
Tan sandstone	74	96
Hard brown silty loam	96	161
Fractured basalt	161	172

Date Started 12/2/2015 Completed 12/4/2015

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1766 Date 12/14/2015

Signed BRANDON C BROWN (E-filed)

Contact Info (optional) brandon@waterwelldeveloping.com

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WATER SUPPLY WELL REPORT - continuation page

MORR 52293

12/14/2015

WELL I.D. LABEL# L 117303
START CARD # 1029000
ORIGINAL LOG #

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

Water Quality Concerns

From	To	Description	Amount	Units

(5) BORE HOLE CONSTRUCTION

BORE HOLE

Dia	From	To

SEAL

Material	From	To	Amt	sacks/lbs
		Calculated		
		Calculated		
		Calculated		
		Calculated		

FILTER PACK

From	To	Material	Size

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Material	From	To

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Comments/Remarks

Drilled well and took casing to 172.
Installed screen w/ k-paker.
pulled casing back to expose screen.

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OR 690-205-0210)

MORR 52351

9/1/2016

WELL I.D. LABEL# L 117307
START CARD # 1029838
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D.
First Name GREG Last Name TE VELDE
Company
Address 5850 AVENUE 160
City TIPTON State CA Zip 93272

(2) TYPE OF WORK

[X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (complete 2a & 10) [ ] Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD

[X] Rotary Air [ ] Rotary Mud [X] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE

[ ] Domestic [ ] Irrigation [ ] Community
[X] Industrial/ Commericial [X] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Well 900.00 ft.

BORE HOLE

Dia	From	To
24	0	203
18	203	747
16	747	800
10	800	900

SEAL

Material	From	To	Amt	sacks/lbs
Cement	0	203	350	S
		Calculated	22.17	
Cement	203	702	810	S
		Calculated	285.99	

How was seal placed: Method [ ] A [X] B [X] C [ ] D [ ] E
[ ] Other
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
●	○	14	X	3	702	.375	●	○	X	
●	○	18		0	203	.375	●	○	X	
○	○						○	○		
○	○						○	○		
○	○						○	○		

Shoe [ ] Inside [X] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method
Screens Type Material

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

( ) Pump ( ) Bailer (●) Air ( ) Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
200		747	3

Temperature 57 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MORROW Twp 3.00 N N/S Range 26.00 E E/W WM
Sec 22 NW 1/4 of the NW 1/4 Tax Lot 500
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
( ) Street address of well (●) Nearest address
NEAREST: WEST OF POLELINE RD AND HOMESTEAD LN IN BOARDMAN.

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	7/28/2016			384

Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 35.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
3/21/2016	55	195	200			35
5/18/2016	314	322	5			314
5/24/2016	476	493	200			378
6/7/2016	726	731	200			378

(11) WELL LOG

Ground Elevation

Material	From	To
silt	0	10
silty clay	10	55
silty, sandy, clay	55	64
sand stone w\ some brown clay	64	191
broken weathered basalt	191	195
med black basalt	195	198
hard black basalt	198	266
black basalt/ blue clay	266	322
med black basalt	322	371
red fractured vesicular/ blue clay	371	377
fractured black vesicular	377	389
med black basalt	389	476
vesicular basalt	476	493
med black basalt	493	510
hard black basalt	510	726
fractured black vesicular	726	731
hard black basalt	731	894
soft black basalt	894	900

Date Started 3/7/2016 Completed 7/1/2016

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1766 Date 9/1/2016

Signed BRANDON C BROWN (E-filed)

Contact Info (optional) brandon@watterwelldeveloping.com

ORIGINAL - WATER RESOURCES DEPARTMENT

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WATER SUPPLY WELL REPORT - continuation page

MORR 52351

9/1/2016

WELL I.D. LABEL# L	117307
START CARD #	1029838
ORIGINAL LOG #	

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/lbs
			Cement	840	900	27	S
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Material	From	To

Comments/Remarks

Continuous seal installed from 203' to ground surface. Per WRD special requirement.
Continuous seal installed from 702' to ground surface.
Static during drilling process lowered from 378' to 384'.
Static prior to installing casing (384') and after installing casing and continuous seal to ground surface was (384').

MORR 52393

MORR 52393

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# L 117311
START CARD # 1030410
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. Parlor Well
First Name GREG Last Name TE VELDE
Company
Address 5850 AVENUE 160
City TIPTON State CA Zip 93272

(2) TYPE OF WORK

[X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (complete 2a & 10) [ ] Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD

[X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[ ] Reverse Rotary [ ] Other

(4) PROPOSED USE

[ ] Domestic [ ] Irrigation [ ] Community
[X] Industrial/ Commericial [X] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Well 902.00 ft.

BORE HOLE

Dia	From	To
24	0	155
18	155	427
15	427	707
13	707	727

SEAL

Material	From	To	Amt	sacks/lbs
Cement	0	155	240	S
		Calculated	168.4	
Cement	0	400	576	S
		Calculated	535.75	

How was seal placed: Method [ ] A [ ] B [X] C [ ] D [ ] E
[ ] Other
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: [ ] Yes Type Amount

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
●	○	18	X	1	156	.375	●	○	X	
○	●	14	X	1	400	.375	●	○	X	
○	○						○	○		
○	○						○	○		
○	○						○	○		

Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s)
Temp casing [ ] Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method
Screens Type Material

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

○ Pump ○ Bailer ● Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
600		902	1

Temperature 70 °F Lab analysis [ ] Yes By
Water quality concerns? [ ] Yes (describe below) TDS amount 300 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MORROW Twp 3.00 N N/S Range 26.00 E E/W WM
Sec 16 SE 1/4 of the NE 1/4 Tax Lot 500
Tax Map Number Lot
Lat ° ' " or DMS or DD
Long ° ' " or DMS or DD
( ) Street address of well (●) Nearest address
WEST OF POLELINE RD AND HOMESTEAD LN IN BOARDMAN.

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	12/12/2016			341

Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 30.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
4/29/2016	30	35	20			30
7/26/2016	203	295	50			80
8/1/2016	324	333	50			80
8/22/2016	436	445	200			341
8/29/2016	683	695	200			341

(11) WELL LOG

Ground Elevation

Material	From	To
silt	0	11
silt and clay	11	30
silt, sand, clay	30	35
sandstone	35	135
broken basalt	135	137
med black basalt	137	145
hard black basalt	145	203
soft fractured basalt	203	208
blue clay	208	264
soft black basalt	264	295
hard black basalt	295	324
broken red vesicular basalt	324	333
fractured black with some vesicular	333	340
hard black basalt	340	436
fractured/vesicular black basalt	436	445
med black basalt	445	598
soft black basalt	598	617
med black basalt	617	683
fractured black basalt	683	687

RECEIVED BY OWRD DEC 22 2016 SALEM, OR

Date Started 4/27/2016 Completed 12/12/2016

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1766 Date 12/19/2016

Signed BRANDON C BROWN (E-filed)

Contact Info (optional) brandon@waterwelldeveloping.com

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

MORR 52393

WATER SUPPLY WELL REPORT - continuation page

WELL I.D. LABEL# L 117311
START CARD # 1030410
ORIGINAL LOG #

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/lbs
9.88	727	902			Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
9/9/2016	837	862	200		341

(11) WELL LOG

Material	From	To
black vesicular basalt	687	695
med fractured basalt	695	703
med black basalt	703	714
hard black basalt	714	837
fractured black basalt	837	862
hard black basalt	862	902

RECEIVED BY OWRD

DEC 22 2016

SALEM, OR

Comments/Remarks

Cemented off hole from 793' to bottom.

MORR 51933

08-29-2011

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 105922

START CARD # 1014292

(1) LAND OWNER

Owner Well I.D. _____

First Name BRIAN Last Name BOSMA

Company SAGE HOLLOW RANCH

Address 3620 INDEPENDANCE RD

City SUNNYSIDE State WA Zip 98944

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Community ☒ Industrial/ Commericial ☒ Livestock ☐ Dewatering ☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 570.00 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
12	0	18	Bentonite Chips	0	18	19	S
10	18	402	Cement	357	402	15	S
8	402	570					

How was seal placed: Method ☐ A ☒ B ☐ C ☐ D ☐ E

☒ Other Poured Bentonite

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
●	○	8	☒	2	396	.25	●	○	☒	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐
○	○		☐				○	○	☐	☐

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type _____ Material _____

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

○ Pump ○ Bailer ◉ Air ○ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
300		570	1
200		470	1

Temperature 68 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Morrow Twp 3.00 N N/S Range 26.00 E E/W WM

Sec 10 SE 1/4 of the NE 1/4 Tax Lot 1001

Tax Map Number _____ Lot _____

Lat ____ ° ____ ' ____ " or _____ DMS or DD

Long ____ ° ____ ' ____ " or _____ DMS or DD

○ Street address of well ◉ Nearest address

POLELINE RD & HOMESTEAD RD NEAR BOARDMAN

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening			☐	
Completed Well	08-26-2011		☐	380

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 170

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
07-26-2011	170	212	50		☐	112
08-26-2011	490	515	150		☐	380
08-26-2011	545	565	150		☐	380
					☐	
					☐	

(11) WELL LOG

Ground Elevation _____

Material	From	To
Sand	0	25
Brown Clay	25	110
Brown Clay/Gravel	110	118
Brown Clay	118	164
Black Basalt	164	170
Brown Sandstone	170	212
Black Basalt	212	296
Tan Claystone	296	385
Black Basalt	385	490
Black Scoria/Green Clay	490	515
Black Basalt	515	545
Brown Scoria	545	565
Black Basalt	565	570

Date Started 07-23-2011 Completed 08-26-2011

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1735 Date 08-29-2011

Electronically Filed

Signed CHAD COURTNEY (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1881 Date 08-29-2011

Electronically Filed

Signed GARRY L ZOLLMAN (E-filed)

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.95

STATE OF OREGON
EXEMPT USE WELL MAP

(as required by ORS 537.545 & OAR 690.190)
This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem, OR 97301
(503)986-0900

LOCATION OF WELL

Latitude: 45.758449
Longitude: -119.544010
Datum: WGS84
Township/Range/Section/Quarter-Quarter Section: 3N 26E 10 SENE
Address of Well: POLELINE RD & HOMESTEAD RD NEAR BOARDMAN

Well Label #: L105922
Well Log: MORR 51933
Printed: Sep 19, 2011

DISCLAIMER: This map is intended to represent the approximate location of the exempt use well provided by the land owner. It is not intended to be construed as survey accurate in any manner.

From: WOODY Jennifer L * WRD
To: GALL Ivan K * WRD; IVERSON Justin T * WRD
Subject: RE: Data - Wells near Easterday Dairy
Date: Thursday, September 24, 2020 10:58:31 AM
Attachments: [redacted].jpg
[redacted].jpg

Yes. I've been working with Greg on this one. Glad he's finally getting meters replaced.
jen

From: GALL Ivan K * WRD <Ivan.K.Gall@oregon.gov>
Sent: Thursday, September 24, 2020 9:11 AM
To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; WOODY Jennifer L * WRD <Jennifer.L.Woody@oregon.gov>
Subject: FW: Data - Wells near Easterday Dairy

This is Coleman; no flowmeter for years. Wells produce from alluvial (recharge project); not sure if any basalt.
Greg sent NOV, he continued to use, so we'll hit him with civil penalties this fall. Sounds like owner is installing meters soon.
Of note is that Coleman pulls from the alluvial system, part of the recharge project, but his use is not measured, so the recharge project accounting is likely off. Jen may be aware of such.
Thanks-ikg

Ivan Gall
FIELD SERVICES DIVISION ADMINISTRATOR
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0847 Mobile 971-283-6010

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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From: KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>
Sent: Thursday, September 24, 2020 8:55 AM
To: GALL Ivan K * WRD <Ivan.K.Gall@oregon.gov>; SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@oregon.gov>
Subject: RE: Data - Wells near Easterday Dairy

Some of his wells border the Depot, some are on the other side of the freeway – I've attached a very high tech and fancy map showing some of the locations and their distance to Easterday's property. He did not have flow meters on these five wells, so no way for us to know how use has changed year over year.

Chris

From: GALL Ivan K * WRD <Ivan.K.Gall@oregon.gov>
Sent: Thursday, September 24, 2020 8:29 AM
To: SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@oregon.gov>; KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>
Subject: FW: Data - Wells near Easterday Dairy

Fyi, bump down in gw levels around Bosma and the Depot. Where was the guy you sent the NOV to? Was that just no flow meters, or was there an increase in use there also?
thanks

Ivan Gall
FIELD SERVICES DIVISION ADMINISTRATOR
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0847 Mobile 971-283-6010

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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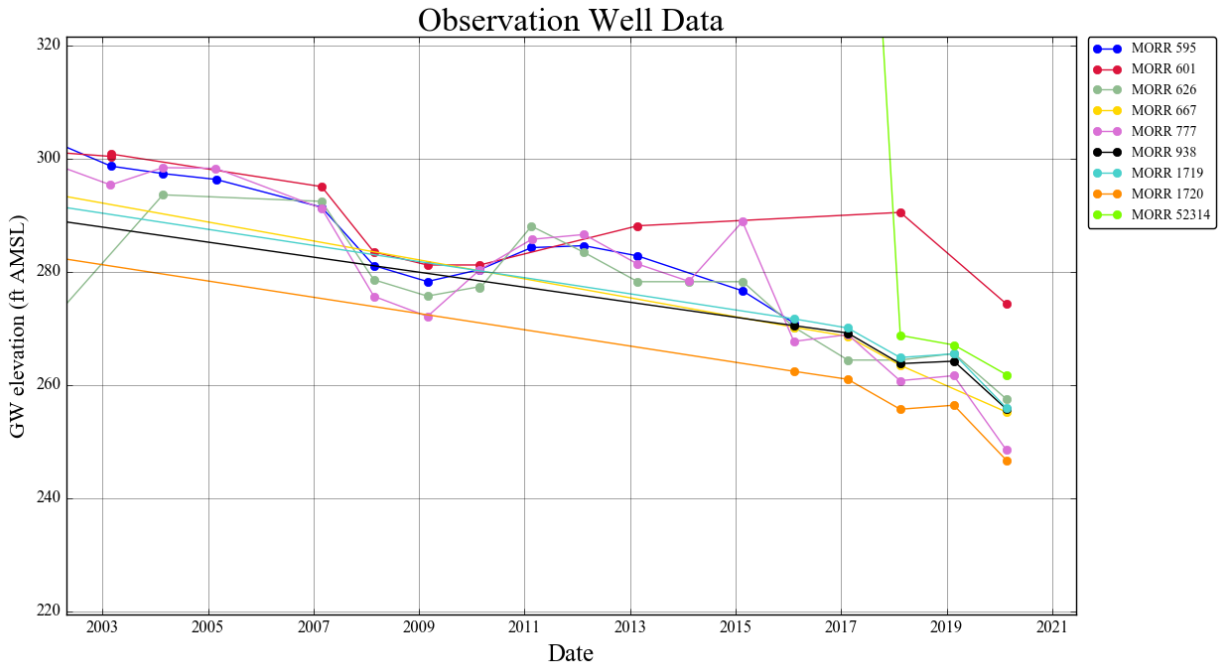
From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Thursday, September 24, 2020 8:25 AM
To: GALL Ivan K * WRD <Ivan.K.Gall@oregon.gov>
Subject: FW: Data - Wells near Easterday Dairy

FYI regarding your musings on wl response to changes in use.

Justin Iverson, RG
GROUNDWATER SECTION MANAGER
Oregon Water Resources Department
Desk: 503-986-0933 | Cell: 503-302-9728

From: WOODY Jennifer L * WRD <Jennifer.L.Woody@oregon.gov>
Sent: Thursday, September 24, 2020 7:44 AM
To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Subject: RE: Data - Wells near Easterday Dairy

Bosma's two wells, MORR 595 and MORR 591 show no use for water years 2017,2018,2019. Neither of these wells has been measureable for the last 3 years. MORR 595 was measureable in 2016, and we know it tracks with other Ordnance "deep basalt" wells. There is not good news in the water level trend: I noticed this Feb an unusual drop since last feb- on the order of 10 feet since 2019 Feb measurements. I can't point to any known cause to this year's drop, but also haven't looked beyond flowmeter data on wells we visit. Note MORR 52314 is the well on Easterday property that started as an alluvial well, then was deepened into basalt. We now have a transducer in that well. MORR 601 is airline only. MORR 667, 938, 1719, 1720 are on the Depot and are etape measurements I collect quarterly.



From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Wednesday, September 23, 2020 10:25 AM
To: WOODY Jennifer L * WRD <Jennifer.L.Woody@oregon.gov>
Subject: RE: Data - Wells near Easterday Dairy

Quick note for when this comes in – Ivan thinks that Bosma had been using the surface water that's been transferred to his property, and it'd be interesting to confirm actual use from his wells and compare to any changes in use to the water level record in the vicinity.
Cheers,

Justin Iverson, RG
Groundwater Section Manager
Oregon Water Resources Department
Desk: 503-986-0933 | Cell: 503-302-9728

From: WOODY Jennifer L * WRD <Jennifer.L.Woody@oregon.gov>
Sent: Wednesday, September 16, 2020 3:30 PM
To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Cc: KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>
Subject: RE: Data - Wells near Easterday Dairy

Ok. Do we know if it's groundwater?

From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Wednesday, September 16, 2020 2:59 PM
To: WOODY Jennifer L * WRD <Jennifer.L.Woody@oregon.gov>
Cc: KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>
Subject: FW: Data - Wells near Easterday Dairy

Hi Jen,
FYI. Sounds like there'll be a new transfer app associated with the reincarnation of the Lost Valley Dairy in the nearish future. Will start copying you on related correspondence.
Thanks,

Justin Iverson, RG
Groundwater Section Manager
Oregon Water Resources Department
Desk: 503-986-0933 | Cell: 503-302-9728

From: RANCIER Racquel R * WRD <Racquel.R.Rancier@oregon.gov>
Sent: Wednesday, September 16, 2020 2:02 PM
To: BYLER Thomas M * WRD <Thomas.M.Byler@oregon.gov>; WOODCOCK Douglas E * WRD <Douglas.E.Woodcock@oregon.gov>; IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Subject: FW: Data - Wells near Easterday Dairy

FYI

From: Stephanie A Page <spage@oda.state.or.us>
Sent: Friday, September 11, 2020 10:51 AM
To: HOOFF Rian <Rian.HOOFF@state.or.us>; Annalisa Bhatia <bhatia.annalisa@deq.state.or.us>; GALL Ivan K * WRD <Ivan.K.Gall@oregon.gov>; GOSS William H <William.H.GOSS@dhsoha.state.or.us>; Moulun Renee M <renee.m.moulun@doj.state.or.us>; Isaak C Stapleton <istapleton@oda.state.or.us>; AUNAN Lauri G <aunan.g.lauri@deq.state.or.us>; BUTCHER Don <Don.BUTCHER@state.or.us>; JONES Randy <jones.randy@state.or.us>; LLOYD Diane <Diane.LLOYD@state.or.us>; RANCIER Racquel R * WRD <Racquel.R.Rancier@oregon.gov>; NIGG Eric <Eric.Nigg@state.or.us>; GLEIM Laura <GLEIM.Laura@deq.state.or.us>; GUBALA Chad <Chad.GUBALA@state.or.us>; Christina Joyce Higby <chigby@oda.state.or.us>; William J Matthews

<wmatthews@oda.state.or.us>; HUDSON Bryn * WRD <Bryn.HUDSON@oregon.gov>; RABINOWITZ Geoff <Geoff.RABINOWITZ@state.or.us>; KOWITZ Chris C * WRD <Chris.C.Kowitz@oregon.gov>; Andrea Cantu-Schomus <acantuschomus@oda.state.or.us>; SILBERNAGEL Greg M * WRD <Greg.M.Silbernagel@oregon.gov>
Subject: Data - Wells near Easterday Dairy

Hello everyone,

During conversations on the draft Easterday permit, the agencies determined it would be helpful to have updated information on wells in the vicinity. The information below has been compiled by DEQ with input and review from OWRD, OHA, and ODA. Many thanks to Lauri and everyone who helped pull this information together!

The attached map shows wells within a one-mile buffer (yellow line) around the Easterday CAFO. Also shown are other nearby CAFOs and a landfill. Please note that the OWRD well log database does not contain a well log for every well drilled, and well location information on some wells is not accurate. Other wells may be present and in use for which no data exist.

Map labelling of the wells:
M = Monitoring Well
D = Domestic Well
I = Irrigation Well
L = Livestock Well
C = Construction/Livestock Well
X = Construction/Industrial/Commercial/Livestock

According to OWRD and OHA, any water supply well, including wells drilled for stock, commercial, irrigation, etc. can be used to supply potable water, so depending solely on the well log info can be misleading. OHA can approve any of the listed types of wells for drinking water use as long as they meet construction standards, setback requirements, and water quality standards.

Use of private wells for potable water
None of the agencies has direct information about residences, businesses or worker housing that are using private wells in the area for drinking water. According to OWRD, it's safe to assume that any business or home will have an exempt well and likely are using the water for a potable supply. The only way to be sure is going door to door and asking.

Three basalt wells on the Easterday property had gone partially through OHA's review process for use as a drinking water sources, but were never granted approval for use. OHA has no water quality data on those wells.

Water quality data
Most of the nitrate contamination that we have been concerned with in the GWMA is based on well testing within the shallow alluvial aquifer, although DEQ has also sampled a few deeper basalt wells in the area. In the attached map, a red well symbol represents the shallow alluvial (e.g. sand and gravel) aquifer and the blue is the deeper basalt aquifer. The 3 wells with a DEQ label have been sampled by DEQ (one domestic, one monitoring well, one livestock) with some of the data going back to 1992. DEQ doesn't have nitrate data for all wells shown on the map. DEQ receives annual reports and sample results for most monitoring wells. Most irrigation wells, domestic wells and other wells on the map do not appear to have data.

DEQ generally considers background to be <1mg/L Nitrate-N. The federal drinking water maximum contaminant level (MCL) for nitrate is 10 mg/L. An action level for establishing a ground water management area per ORS 468B.180 1(a) specifies 70 percent of the MCL or 7 mg/L. The action level was supposed to give enough time for corrective action prior to exceeding the MCL.

In general, alluvial groundwater nitrate concentrations can be summarized with results from the following well data:

- **Lost Valley Dairy/Easterday monitoring wells (M on the map)** range from single digit to over 20 mg/L nitrate.
- **Meenderick Dairy M** (labelled DEQ) – 21 mg/L nitrate
- **Sage Hollow Dairy M** – 66 mg/L nitrate
- **POM site** directly east of Easterday (not shown on the map) - 12 monitoring wells range from non-detectable to 34 mg/L nitrate

A few other wells with data:

- A basalt livestock watering well labelled DEQ just east of Easterday was sampled in 2015 and nitrate was less than 1 mg/L.
- A basalt domestic well labelled DEQ on the Easterday footprint was sampled in 1992 and nitrate was less than 1 mg/L.
- **Finley Butte Landfill** – non-detectable in all 8 monitoring wells (<0.05 mg/L) in most recent annual monitoring event.

OHA has nitrate and other data for the following nearby water systems: Finley Butte Landfill's drinking water well: https://yourwater.oregon.gov/nitrates.php?pwsno=05951 however it is a deep well in the basalt aquifer with low nitrates. Cascade Specialties, also a basalt well https://yourwater.oregon.gov/nitrates.php?pwsno=05884 and the former Greenwood Resources - Upper Columbia Mill https://yourwater.oregon.gov/nitrates.php?pwsno=95397 The mill's well is into the basalt but has some connection to the alluvial aquifer which is why there are nitrate results over 10 mg/l. The lower nitrate results were collected after a treatment unit was installed. OHA has no information or data on private wells. OWRD does not have any additional water quality data for the area.

Lauri Aunan
Interim Eastern Region Administrator
Oregon Department of Environmental Quality
aunan.g.lauri@deq.state.or.us
503-229-5031

CAFO interagency coordination call
Scheduled: Sep 17, 2020 at 3:00 PM to 4:00 PM
Location: See Zoom call information below
we'll keep the weekly schedule for these calls going into September & cancel a call the day before if we find that there are no updates
Invitees: Rian Hooff, Annalisa Bhatia, Gall Ivan K * Wrd, William.H.GOSS@dhsoha.state.or.us, Moulun Renee M, Isaak C Stapleton, AUNAN Lauri G, Don Butcher, JONES Randy, Lloyd Diane, Rancier Racquel R * Wrd, Eric Nigg, GLEIM Laura, chad.gubala@state.or.us, Christina Joyce Higby, William J Matthews, Hudson Bryn * Wrd, Geoff Rabinowitz, KOWITZ Chris C * WRD, Andrea Cantu-Schomus, SILBERNAGEL Greg M * WRD, Stephanie A Page
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+1 346 248 7799 US (Houston)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
833 548 0276 US Toll-free
833 548 0282 US Toll-free
877 853 5257 US Toll-free
888 475 4499 US Toll-free
Meeting ID: 923 0343 6988
Find your local number: https://zoom.us/u/acg3noHuG

Stephanie Page
Oregon Department of Agriculture – Natural Resources & Pesticides
635 Capitol St NE, Salem, OR 97301-2532
503.931.5608 | Oregon.gov/ODA | Pronouns: she, her, hers

Personal Notes on Stockwater Exemption Issue

Call to Touch Base re: CAFO 05-07-2020 at 1 PM

Chris Kowitz – North Central Region Manager, Field Services Division
(chris.c.kowitz@oregon.gov; 971-600-6137)

DISCUSSION

- Easterday Farms bought old dairy operation in critical area (no permits/restrictions on water use); in process of obtaining CAFO from Dept. of Ag which requires proof of potable water for cattle
- Exemption 'loophole' in the code allows for watering of stock without permit (unregulated)
- Easterday will make good faith effort not to use stockwater exemption (except in emergency) – not memorialized yet
- Draft schedule from Dept. of Ag (with Director)
- Draft permit will go out for public review in August
    - Get rulemaking process started before then?
    - Need to verify authority to make rule change
    - Rule change should be narrow (limited to critical area; forward-looking only)
- Last session Senator Dembrow was looking into changing stockwater exemption language

CAFO Interagency Coordination Call 05-07-2020 at 3 PM

DISCUSSION

Media/communications/PRRs

- PRR (Ag?) but broad not specifically related to CAFO/Easterday Farms
- Discussion re: stakeholder engagement about draft permit
    - Convos before public comment period?
    - Convos during public comment period?

Permit application status

- Review of timeline
    - July – agencies identify tasks related to stakeholder engagement
    - August – comment period open for draft permit

Update on water rights

- Continuing to dialogue on a number of issues, including potable water and lagoons (potential UIC permit with ODEQ)

Questions

- OHA: planning on getting water transported from Port of Morrow (sp?) – not confirmed
- Problem with offsite septic system?
    - Do have permit in place, unaware of any problems

NEXT STEPS

- Schedule next meeting – monthly?
- Earlier meeting to get update on stakeholder engagement plan? June 4th at 3 PM

Quick Coordination Call re: GW Rulemaking 05-12-2020 at 11:30 AM

CONTEXT

- Rulemaking related to OAR 690-507
- Stock water is an exemption (no way to track, no limit on use—even in a designated critical area for GW)
    - ORS 537.545: List of exemptions
- Senator Dembrow has held several workgroups (looking for statewide solution)
- Potentially contentious issue
- Withdrawal provisions not a good vehicle for changes
- Critical groundwater area may not be a good fit either (might decline to reference critical area at all in language)
    - OAR 507.0070: Good place to start review of OARs related to this
    - Area in questions is actually in overlapping critical area
- Best route for rule changes might be basin classification?
    - Look at Smith River example—basin rulemakings require additional steps (per statute)
    - Likely to be challenged, so need to build a rulemaking record
    - Consider what evidence is required for rulemaking
        - "Study" of basin?
        - "Substantial evidence" standard?

NEXT STEPS

Coordination

- Department of Ag: Lim Matthews/Stephanie Paige
    - Coordinate rulemaking with CAFO process (to maximum extent possible)
    - CAFO out for public comment in August
    - Expected to have decision in late fall
    - Lim is good resource for determining what is reasonable quantity (from livestock perspective)
- Internal
    - GW experts
        - Work on study/other necessary evidence
        - Determination of reasonable quantity (from water perspective)

- Loop in Director, Justin, Dwight as things progress
- Include Deirdre in communications with Racquel so she is aware of timelines
- Chris: Help gather names for RAC (Cattleman's Association, Dairy, Farm Bureau, JR Cook, Water Watch, Tribe, conservation interests)?

Timeline

- Prepare feasible timeline
- RAC unlikely before June?
- Ideally have rules adopted prior to CAFO being issued in late fall (possible?)
- Adopt at November Commission Meeting?
- Will likely need hearing in basin area

From:	J.R. Cook
To:	POTTER Breeze K * WRD
Cc:	Melissa Lindsay; John Shafer; Karen Pettigrew; Aaron Palmquist; Byron Smith; PUZEY Kim; ryann@portofmorrow.com; tmabbott@co.morrow.or.us; Robert Waldher; SEN Hansell; BOBBY LEVY; REP Smith G; jake@madisonranches.com; bill@bpsoregon.com; BYLER Thomas M * WRD; Roberta Lutcher
Subject:	SUFF Petition for Rulemaking (Regional Comments for the Record)
Date:	Thursday, November 12, 2020 1:39:53 PM
Attachments:	CRUST-DOC-Final-Fully-Signed-PDF-2.26.13.pdf FINAL Umatilla Basalt Bank Stabilization Workgroup recommendations (1).pdf Oregon Water Resources Commission_Regional Comments.pdf

Dear Breeze-

Please include the attached comments related to Stand Up to Factory Farms' October 5, 2020 Petition for Rule Amendment or Rulemaking in the record of proceedings for this request.

These comments are submitted on behalf of Umatilla County, Morrow County, City of Boardman, City of Irrigon, City of Hermiston, Port of Umatilla, Port of Morrow and Northeast Oregon Water Association.

Please contact me with any questions.

Sincerely,

J.R. Cook

COLUMBIA RIVER-UMATILLA SOLUTIONS TASKFORCE

DECLARATION OF COOPERATION

February, 2013

I. Background, Project Purpose and How We Will Work Together

Whereas: There is a great need for additional jobs and economic activity in rural Oregon, and

Whereas: There is an opportunity to support and enhance continued salmon and native fish recovery efforts in the mainstem of the Columbia River and in the Umatilla Basin; and

Whereas: There is an opportunity to create additional economic activity through irrigated agriculture in the Umatilla Basin; and

Whereas: There is an opportunity today to build upon:

a) Recent efforts of Umatilla Basin irrigators, public agencies, Confederated Tribes of the Umatilla Indian Reservation, and conservation interests to build working relationships and implement the Umatilla Basin Aquifer Storage and Recovery Project.
b) Lessons learned from the State of Washington Office of the Columbia River, which has, over the last six years, developed or worked on 40 projects to increase Columbia River water utilization for in-stream as well as out-of-stream uses.
c) The many studies and actions related to salmon recovery in the Umatilla Basin and main stem of the Columbia River,
d) The State's new Integrated Water Resource Strategy

Therefore: Governor Kitzhaber has designated as an "Oregon Solutions" project the Columbia River – Umatilla Solutions Taskforce, convened on the Governor's behalf by: Umatilla County Commissioner Dennis Doherty and Richard Whitman, the Governor's Natural Resources Advisor. Oregon Solutions projects are, by Oregon Statute, designed to help support a sustainable economy, sustainable community, and sustainable environment.

We, the members of the Columbia River – Umatilla Solutions Taskforce, subscribe to the following objectives:

1. Identify options to increase utilization of Columbia River water for in-stream and out-of-stream uses in the Umatilla Basin without negatively impacting instream flows needed for fish species. The options considered should include Oregon-only actions, as well as those requiring joint agreements or actions with the State of Washington and/or other

states or tribes. The options considered should also include a range of short-term (less than three years to implementation) as well as longer-term options.

2. Develop and evaluate these options according to a set of criteria adopted by the Solutions Taskforce. Options should be as geographically specific as possible, and developed with an eye toward optimizing:
    a. technical feasibility,
    b. economic feasibility,
    c. legal feasibility, and
    d. political feasibility

3. After evaluating options, develop an action plan that includes:
    a. Options for which there is consensus to move forward;
    b. Options for which there is not consensus but enough promise to warrant further work and discussion; and
    c. Statutory, administrative rule, or institutional action, if any are needed, to implement the recommended options.

4. The package of consensus options will, as a whole, result in both economic and environmental benefits, including aquifer restoration, tributary streamflow enhancement, and/or mainstem flow enhancement.

5. The package of consensus options should support, rather than impede, other water-related planning efforts such as:
    a. The Tribal Water Rights Settlement discussions
    b. The Basin 2050 Water Plan
    c. Columbia River Salmon and Steelhead Recovery plans
    d. The State's Integrated Water Resources Strategy
    e. Umatilla Groundwater Management Area Action Plan

6. The package of consensus options will be provided to the Governor, The Oregon Legislature, and the Washington Department of Ecology Office of the Columbia River in December 2012 to support informed policy decisions and project development.

We also agree to the following principles on how we will work together:

1. We each commit to help this group develop workable solutions, both long-term and near-term, and will do our part in helping to implement those solutions.

2. We will operate by consensus, striving to jointly develop a list of actions that we can *all* support, and which will be part of a Declaration of Cooperation that we can all sign.

3. We recognize that for a solution or combination of solutions to be implemented, they will need to be acceptable to other parties at the table. We will therefore work hard to find solutions that are mutually satisfactory.

4. We accept our responsibility to raise issues or concerns with the Solutions Taskforce, rather than outside the group. We also agree that the integrity of the Solutions Taskforce requires each of us to work within this process, rather than seek to advance an independent interest, position or preferred outcome through the media or other forums.

5. **D**ifferences in opinion are to be expected in a group with such diverse perspectives. We won't shy away from those differences, but will work hard to reconcile them.

6. We will work hard to make sure others feel that their interests have been adequately heard and addressed in reaching a group agreement. Until the signed Declaration of Cooperation, we will be careful not to represent other's positions in a public forum..

7. We will conduct ourselves with civility and respect. We will listen (and not interrupt) when others are talking. During Solutions Taskforce meetings, we will wait to be recognized by one of the two Conveners before speaking. We'll respect each other's time by being concise and on-point with our own remarks.

8. We are each committed to this process, making the Solutions Task Force meetings a priority for our calendars, arriving on time, reviewing necessary materials, and helping the group reach timely decisions. It also means not undermining agreements of the task force in other forums.

9. We are committed to both representing and also "bringing along" our own organizations as the Solutions process moves forward and decisions are made.

10. Meetings will be open to the public, and there may be specific times made available for comments from the audience, but generally speaking the participation in discussions will be limited to Task Force members and invited guests.

II. Overall Strategy and Action Plan

The Columbia River-Umatilla Solutions Taskforce considered nearly 30 separate options since June 2012, utilizing survey-level information to screen those options against four criteria: a) Economic development impacts, b) Ecological impacts, c) Technical, legal, and political feasibility, and d) Economic feasibility.

The result was a set of consensus solutions that, taken together, we believe can result in mutual benefits for both agricultural economic development and ecological stream flows. The group is not recommending changes to existing fish protection laws. Many of these solutions could be implemented in the short term (1-5 years), and many of them can be implemented without the need for interstate agreements.

**We emphasize that the consensus for moving forward on these options does not mean a carte blanche approval for implementing an option regardless of the ultimate specifics or parameters of the action. Rather, it represents a *good-faith* agreement that these are the options we believe have the best chance of success and we recommend taking the next steps toward determining and enhancing their technical, economic, and political feasibility. The options fall under three basic strategies:

- **Develop additional water storage capacity**. We need to develop both in the short and long term additional capacity for storing Columbia River water during winter months, for later use during irrigation and fish migration seasons. This strategy includes both aquifer storage and above-ground storage, primarily in Oregon. While possible joint investments in large storage sites in Washington or Idaho could become more viable over the next year, we are not recommending specific action on those options at this time.

- **Improve water management.** Using water more efficiently and more productively will help us get the most value in the basin from the water we have. This strategy includes greater investments in conservation practices, potential transfers of developed water rights, and improved water transaction mechanisms to move water between users and uses.

- **Develop a stronger interstate approach to Columbia River water.** Some options depend upon interstate agreements about protecting newly stored or conserved water as it flows through Washington or Idaho. We need the institutional capacity to develop these agreements and explore longer term opportunities for potential joint-investments in State of Washington and elsewherein new large (up to 1 million acre-feet) water storage projects. It is also important to coordinate with discussions related to the Columbia River Treaty Review.

Governance going forward

Other opportunities may become available, and the consensus options we've identified may change as new information becomes available. The current description of these options should not preclude flexibility going forward.

To ensure appropriate follow-up and implementation of these strategies going forward, we need the institutional and staffing capacity for recommended Columbia River planning, water conservation, instream and out-of-stream water development, and interstate agreements. A structured discussion with the appropriate stakeholder representation is needed to further develop the longer term institutional framework and capacity to address these issues and opportunities, and to fully develop the strategies and options recommended, below.

III. Consensus Options for Developing Additional Storage Capacity

- Testing and Completion of the Stage I Umatilla Basin Aquifer Recovery Project

  The State of Oregon has invested $3 million in the Umatilla Basin, to facilitate the preliminary design, and build out of the first Columbia River recharge project. Remaining work is to test recovery and utilization of realized alluvial storage capacity, and identify if any additional storage capacity over what is currently developed can be developed in the future.

  Next steps:

  - Umatilla Basin Water Commission is currently working with Westland Irrigation District to develop a contract for an initial 8,000 acre-feet from the Aquifer Recovery project. This initial work would need to be coordinated with Confederated Tribes of the Umatilla Indian Reservation to ensure compatibility with the Tribal Water Rights Settlement discussions.
  - Continued discussion of *net environmental benefit* requirements that would apply if there is public finance of this project. This policy is being addressed on a state-wide basis by a work group convened by the Governor's office, though the CRUST has taken no position on whether it supports that workgroup's conclusions.
  - A longer term option, building upon the current aquifer recovery project, is to develop additional aquifer storage capacity in the region, up to 100,000 acre feet.

Time Frame: Short term, should be implementable within 3 years.

Budget Needs: No specific request at this time.

- Wallowa Lake Dam Repair

Summary: The Wallowa Lake Dam is owned by the Associated Ditch Company and is an old concrete dam in poor condition. For safety reasons, water levels in the lake have been significantly reduced, and repair of the dam could allow higher lake levels and subsequent release of 4,000-14,000 acre-feet of additional stored water during irrigation season. This project's strong support is based upon the project's intended purpose to benefit both in-stream habitat for fish in the Grande Ronde basin as well as provide additional water for irrigation to Umatilla Basin irrigators on a one-for-one basis as it ultimately flows into the Columbia River.

This project is a high priority for Wallowa County for flood protection purposes, and has been actively pursued and supported by the Umatilla County Critical Groundwater Task Force. It is seen as a model to show how water users in downstream regions statewide can work with partners in other connected watersheds or other regions on multi-gain projects. In addition, the instream benefits of this project can be enhanced through conservation investments described in a separate option described below.

Next Steps:

- Agreement from Associated Ditch Company to work with other stakeholders, including Umatilla Basin irrigators, other public agencies.
- Collaborative process to define project parameters, address fish passage and other design issues, and identify financing sources.
- Develop financing package for repairs, including potential State bonding authority and private (irrigator) commitments for purchase of water.
- Agreements with the State of Washington will be needed to protect the water, as it flows through Washington.
- Some additional study and design work, amending or augmenting previous design work will likely be needed.

Time frame: Relatively short term. Assuming successful agreements and financing, construction could be completed within 5 years.

Budget Needs: Up to $250,000 for additional feasibility work.

- <u>New Juniper Canyon Storage Reservoir</u>

Summary: A proposed dam in Juniper Canyon, an intermittent stream approximately 25 miles northwest of Pendleton and one mile upstream from the Columbia River. The potential storage reservoir is estimated at 49,000 acre-feet of water, which would be pumped from the Columbia during winter months. Current law requires a 25% net environmental benefit if there is public financing involved.

Next Steps:

- A more detailed appraisal study of the site is needed. OWRD will contract for services with appropriate technical experts to complete this study, contingent upon available funding . This appraisal would include: geotechnical evaluation, hydrology evaluation, environmental impact evaluation, property ownership status, historical preservation evaluation, conceptual design, project critical path, and economic assessment.
- The appraisal study, which is what the CRUST is recommending, provides initial information to determine if further consideration is warranted. Additional analysis would be required to determine ultimate feasibility of the project. Note: Other potential storage facilities (either new or expanded) could be considered, including Carty Reservoir, Malheur Dam, and Sand Hollow, depending upon the availability of funds, or if the result of the appraisal study of Juniper Canyon , which is currently seen as the preferred option among these storage sites, is negative.

Time Frame: Long term – construction would be 5-10 years out. Appraisal study could be completed within one year.

Budget Needs: Additional feasibility work. Estimate is for $250,000, based upon experience of Washington's Columbia River Program appraisal studies.

IV. Consensus options for Improving Water Management

- Leasing Unused Developed Washington Water Rights

Summary: The Port of Walla Walla has approximately 4700 acre-feet worth of fully-developed water rights that it has temporarily leased to the Washington Trust Water Rights Program. Currently, about 1500 acre-feet of those rights could be leased at an estimated $105 per acre-foot to stay in stream and then used as mitigation for acquiring Oregon time-limited water rights for Columbia River withdrawal. (Additional amounts may become available over time.) The rights would be temporary for up to 8 years, with the potential to interrupt their availability. This option has been discussed with the Washington Policy Advisory Group which supports moving forward to a formal proposal.

It has been confirmed by Washington's Department of Ecology that these rights were not purchased by BPA for meeting Bi-op instream commitments, which means that they are eligible to be used for mitigation purposes. Use of these water rights is not subject to the requirement of Washington's Columbia River program that one-third of the stored water be used instream.

There may be additional opportunities beyond the Port of Walla Walla rights. For example, there are additional water rights on the John Day Pool, held by the Klickitat P.U.D. The P.U.D has indicated an interest in possible leasing or marketing of those rights through the Washington Trust Water Rights program, though it is currently unclear how those rights might be used as mitigation. Working through the Washington Trust Water Rights program water could possibly result in additional water for use in Oregon.

Next Steps:

- Continued discussion with State of Washington and their Trust Water Rights Program to work through details of a lease.
- Determination by Oregon Water Resources Department what type of temporary permit or lease would be issued on the Oregon side, using the Washington rights as mitigation
- The marketing of these rights to Oregon water users, and the development of agreements for leasing. Once potential lessees are identified, the development of a master lease with the Washington Trust Water Rights program on a temporary basis.

Time Frame: Short term, could be done within 1year.

Budget Needs: None at this time.

- Pilot Transaction for a proposed Umatilla Basin Water Bank and Brokerage

  Summary: Conduct and analyze a model transaction (using current law and rules) during the 2013 irrigation season that represents a type of transaction that could be facilitated through a water bank, which would be intended to facilitate transactions in an effective, time-sensitive manner. The pilot would be administered by the Umatilla Basin Water Commission or other entity, and would be subject to existing legal requirements. .

  Next Steps:

  - Umatilla Basin Water Commission to identify and get approvals for pilot water transaction or transactions.
  - Conduct transactions for 2013 season. Have group of stakeholders, including OWRD, conservations interests, irrigators, review the results Building upon the pilot transaction(s), convene a broader stakeholder group to continue discussions on whether a water bank should be developed.

  Time Frame: Short Term, the pilot transaction could be accomplished in 2013.

  Budget Needs: None.

- Water Conservation investments in Wallowa Basin

  Summary: Water conservation measures related to agricultural use in the Wallowa basin, and potentially other parts of the Grand Ronde basin, might provide additional water for both ecological flows and potential irrigation in the Umatilla Basin. There may be some additional conservation investments in the Umatilla Basin as well, but it appears there may be greater opportunity in the Wallowa Basin and larger Grand Ronde basin, which may not have as many new competing needs for water. Additional water in these basins would also provide more stream miles with fish flow benefits. The total volume saved is unknown. The Wallowa Soil and Water Conservation district has a current conservation program which is studying target watersheds.

  This option would be subject to the Oregon Conserved Water Law, which would require a percentage of the water to be saved in-stream. It would enhance the instream flow benefits related to the Wallowa Dam Repair project, described above.

  Next Steps:

  - Completion of the target watershed analysis by Wallowa County SWCD

- Discussions with Wallowa SWCD, Wallowa County, Freshwater Trust, and OWRD to determine potential investments, savings, and subsequent out-of-stream uses.
- Agreements with the State of Washington will be needed to protect the flow of water, as it flows into the Snake and Columbia Rivers, in Washington.

Time Frame: Short term – could be completed in 1-3 years.

Budget Needs: $200,000-$400,000 for matching funds to complete water conservation projects

V. Consensus actions for developing a stronger interstate approach to Columbia River water

- <u>Agreements with State of Washington (and/or Idaho) to protect water conserved or stored in Oregon</u>

  Summary: Water newly conserved or stored in Oregon (see: Wallowa Dam and Wallowa Basin Conservation options) which flows through Idaho and Washington prior to becoming available to the Umatilla Basin runs the risk of being appropriated by Washington irrigators, thus erasing any benefit to Oregon users. Recent discussions with the Columbia River Policy Advisory Group in Washington indicate their interest in working out an agreement to protect that water as it flows through Washington.

  Next steps:

  - Further discussion with State of Washington Policy Advisory Group.
  - Develop interstate agreement.

  Time Frame: Short term, should be implementable within 2 years.

  Budget Needs: Funding for interstate policy position to help negotiate this agreement

- <u>Interstate discussions on potential joint investments or joint utilization of water storage sites.</u>

  Summary: Several of the options considered by the C.R.U.S.T. involve joint investment in large (1 million acre-feet-plus) water storage sites for winter storage and release during irrigation season. There are potential sites being studied in Washington as well as Idaho. In addition, there are other opportunities related to Canadian water and the Columbia River Treaty.

  **Most of the discussion of the CRUST focused on partnership with the State of Washington. None of the potential Washington storage sites were ranked as consensus options for moving ahead at this time, in large part because of economic and environmental feasibility concerns. All are in the appraisal level analysis stage, so more information may become available. In addition there have been recent overtures from the State of Idaho that the CRUST has neither discussed nor evaluated. Canadian water options were also not listed or ranked, though there are currently on-going discussions exploring this possibility, both within and outside of the Canada Treaty discussions*.

  The State of Washington has indicated the physical layout of the Crab Creek site in Washington may be altered and subject to a new appraisal study in 2013, with a new design that they believe could significantly reduce the footprint and related environmental mitigation issues.

  The State of Idaho is doing preliminary geologic testing of a proposed Weiser River storage site, and this also should be completed in 2013.

Next steps:

- Continue discussions with Washington and Idaho regarding the appraisal work being conducted on potential new storage sites. Further explore their interest in potential joint investments and utilization.
- Depending upon the results of these or future preliminary studies, Oregon may consider joining one or both states in proposing to Congress authorization for a more complete feasibility analysis. Such a feasibility analysis would involve State matching funds.

Time Frame: Very long term, could take 10-20 years for completion.

Budget Needs: Funding for interstate policy position (see below)

- <u>Develop Oregon institutional capacity and staffing to pursue regional agreements and potential interstate investments in water development projects.</u>

  Summary: Oregon needs to provide staffing to implement the consensus actions describe in parts III, IV, and V of this Declaration. For 2013, a minimum of one new senior level position should be funded in the OWRD budget to begin building this capacity, and additional support is desirable.

  For the longer term, the Governor's Natural Resources office will convene a work group over the interim to detail the appropriate structure and elements of a statewide program of new water storage, conservation, utilization, and instream flow protections and augmentation. That effort will include an advisory board made up of appropriate stakeholders.

  Next steps:

  - Oregon 2013 Legislative session budget approval
  - Develop program goals and position description.
  - Structured stakeholder discussion through the Governor's Office, to develop the longer-term institutional framework for multi-use water development

  Time Frame: Short term, should be implementable this next biennium.

  Budget Needs: Funding for positions

VI. Other Options Considered by the Columbia River-Umatilla Solutions Taskforce.

The S*olutions T*askforce identified an initial list of 29 different options, trying to be as inclusive as possible, so that any opportunities for mutual gain were considered.

Those options for which there was consensus to move forward are listed above and we recommend focusing our efforts on those options at this time. Other options, listed below, were considered but for various reasons there was not consensus to move forward with them. To keep the focus on the consensus agenda and give it the best chance for success, we jointly agree not to develop or support legislation in the 2013 Legislative Session that would promote spring and summer Columbia River withdrawals, or any of the options listed below.

- Providing access to Columbia River water in spring and summer but only when flows exceed biological target flows for fish.
- Construction of new reservoir on South Fork Umatilla River
- Construction of new reservoir on Bear Creek
- Expansion of Cold Springs Reservoir
- Expansion of McKay Dam and Reservoir
- Managing Columbia River to increase flow in the Spring and Summer
- Additional draw-down of Lake Roosevelt
- Revised Management of Run-of-River Reservoirs, including additional withdrawals in spring and summer
- Evaluate operation of John Day Pool at Minimum Operating Pool, or reduced levels in order to increase velocity of water flow in Spring and Summer
- Washington State large storage site candidates: Crab Creek (at currently proposed footprint), Ninemile Flat, and Goose Lake.
- Washington investment in Oregon Storage Options
- Washington conservation projects
- Washington aquifer storage

VII. Governance recommendations going forward: How we will go about getting things done.

We agree on the following institutional framework for how we will go about on-going collaboration, project planning, and implementation of priority solutions. We also believe there are relatively short-term action steps possible that should be followed up immediately to both produce near-term tangible results, and – importantly - also help strengthen collaborative relationships going forward. However, other opportunities may become available, and the consensus options we've identified may change as new information becomes available. The identification of these options should not preclude flexibility of these efforts going forward.

A. Oregon needs to provide staffing to implement the consensus actions describe in parts III, IV, and V of this Declaration. For 2013, a minimum of one new senior level position should be funded in the OWRD budget to begin building this capacity, and additional support is desirable.

B. For the longer term, the Governor's Natural Resources office will convene a work group over the interim to detail the appropriate structure and elements of a statewide OWRD program of new water storage, conservation, utilization, and instream flow protections and augmentation . That effort will include an advisory board made up of appropriate stakeholders.

C. The Columbia River-Umatilla Solutions Taskforce may be convened as needed during the 2013 Legislative Session. It will also meet subsequent to the 2013 Legislative session in the early fall of 2013, to review progress on the workplan and consensus options, and revise any agreements as necessary. Once Executive or Legislative action is taken on the recommendations for long-term institutional capacity, it is envisioned the CRUST will be replaced by an advisory group as noted above.

D. Wallowa Dam Oregon Solutions team

- A newly configured group of stakeholders will be convened to work specifically on the Wallowa Dam project, beginning in early 2013.

VIII. Budget needed to support the consensus options and governance recommendations (2013-2015).

- OWRD Staff Position and support for Interstate/Columbia related efforts $250,000 - $400,000
- Feasibility and Design Work for Storage $500,000
  - Wallowa Dam
  - Juniper Canyon
  - Other sites as funds are available

o Initially appraisal level work will be completed that will identify any fatal flaws that can put projects on hold or eliminate them from further consideration. Additionally, these appraisal level investigations are intended to analyze elements of the projects to a point that work plans, timelines and cost estimates for comprehensive feasibility work can be prepared and feasibility investigative work can be implemented. Also included will be various construction alternatives, general estimates for cost of the various construction alternatives, and a list of the various elements of the projects that require

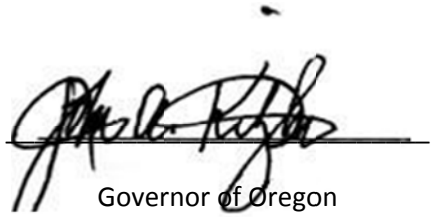
comprehensive feasibility analysis. If appraisal work indicates proposed projects warrant additional study, to the extent resources are available feasibility studies will be funded that will provide the information needed for project implementation

- While there will need to be financing mechanisms for ultimate construction of storage options (and potentially other options, the amount, nature, and conditions of this financing have not been agreed upon by the Solutions Task Force.

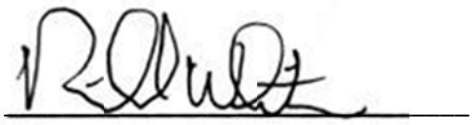
- Matching funds for Additional Water Conservation $200,000-$400,000

IX. Declaration

This Declaration of Cooperation, while not a binding legal contract, is evidence to and a statement of the good faith and commitment of the undersigned parties. The undersigned parties to this Declaration of Cooperation have, through a collaborative process, agreed and pledge their cooperation to the above findings and actions:



Governor of Oregon

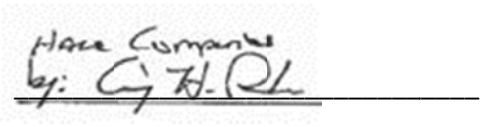


Governors Natural Resource Advisor

Umatilla County Commission

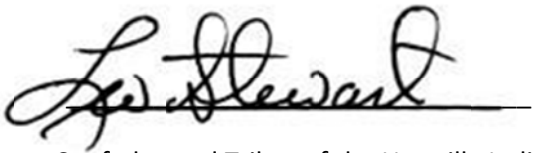
American Rivers

Oregon Water Resources Department

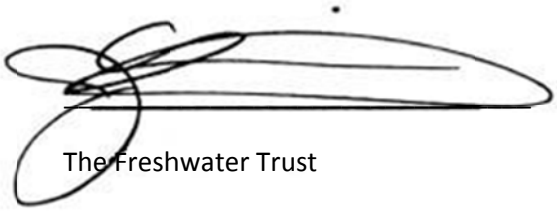


Hale Companies

Bonneville Power Administration



Confederated Tribes of the Umatilla Indian Reservation



The Freshwater Trust

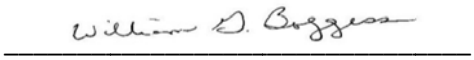
Oregon office of the NW Power and Cons.Council

Oregon Department of Agriculture

Blue Mountain Community College

Oregon Department of Fish and Wildlife

Port of Morrow

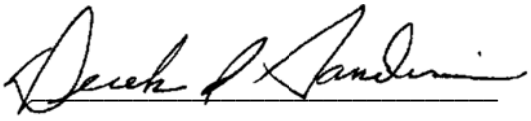


OSU College of Agricultural Sciences

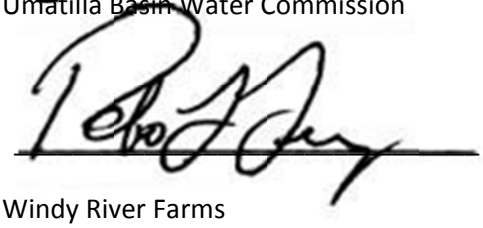
Umatilla Electric Co-op

US Bureau of Reclamation

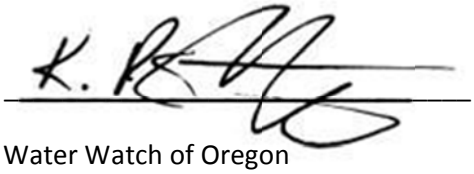
Umatilla Basin Water Commission



Washington Department of Ecology



Windy River Farms



Water Watch of Oregon

Umatilla Basin Basalt Stabilization Workgroup

Date December 17, 2018

TO: Governor Kate Brown

RE: Umatilla Basin Basalt Stabilization Workgroup Recommendations

Dear Governor Brown,

Like many rural areas in Oregon, groundwater use plays a significant role in the culture and economy of the Umatilla Basin. However, current groundwater demand exceeds supply and levels in critical groundwater areas in the Umatilla Basin have continued to decline posing a serious risk to environmental, economic, and community stability within the basin. The Umatilla Basin Basalt Stabilization Workgroup appreciates your recognition of these risks and thanks you for the opportunity to make recommendations on how groundwater levels in the Umatilla Basin can be stabilized and eventually restored.

The Umatilla Basin Basalt Stabilization Workgroup (workgroup), whose members represent the Confederated Tribes of the Umatilla Indian Reservation, basin farmers, the Northeast Oregon Water Association, Umatilla and Morrow counties, the City of Hermiston, Oregon Water Resources Department, and Eastern Regional Solutions, met three times between October, 2018, and December, 2018, to discuss the current status of critical groundwater areas in the Umatilla Basin and options to stabilize and restore groundwater levels. Because, under current regulations and with unmet demands, it is challenging to protect groundwater use that is conserved or replaced with other sources, particularly at a basin scale, the workgroup agrees that a mechanism is needed to replace basalt groundwater use with surface water use so that saved groundwater can be accounted for, much as a bank tracks savings for a depositor. Additionally, the workgroup agrees their recommendations to stabilize and restore groundwater levels in the basin need to adhere to the following principles:

- Only Columbia River water shall be used to replace basalt aquifer groundwater use;
- In no way shall the Umatilla Water Rights Settlement of the Confederated Tribes of the Umatilla Indian Reservation be negatively impacted;
- Protecting conserved or replaced groundwater (basalt banking) under existing water law is preferred (i.e. voluntary agreements);
- Municipalities need access to safe, reliable, and affordable water. Cost and benefit equity for municipal and agricultural water users needs to be considered and a funding structure needs to be developed to support the replacement of groundwater use with more expensive alternatives;
- Groundwater users who forgo allocated groundwater use or use an alternative water supply to support a basalt bank development need to have their groundwater rights protected from forfeiture;
- State regulations should not penalize water users in the basin for partnering to stabilize and restore basalt aquifers by entering into voluntary agreements.

We are fortunate in the Umatilla Basin that previous private and public infrastructure investments have provided the basin with the opportunity to stabilize and restore groundwater levels by using Columbia

River water in place of groundwater. Before this can occur at a basin-wide level water users, regulators, and other stakeholders need to know that voluntary water use agreements can successfully stabilize and restore groundwater levels, water saving efforts can be quantified, and an equitable cost-share model to replace groundwater use with surface water needs to be developed.

Recommendations

To test these issues the workgroup recommends the implementation of a five year pilot project, beginning January, 2020. The pilot project should initially focus on Stage Gulch sub-areas C, D, and H, and Butter Creek sub-area West, to align with planned water delivery projects in the basin. The anticipated outcomes of the pilot project include a list of water users signing voluntary agreements to use Columbia River water and to forego diverting conserved groundwater, stabilized groundwater levels as measured and monitored annually and reported by Oregon Water Resources Department, an equitable funding program that allows basin water users to share in the cost and benefits of groundwater stabilization and restoration, and a proven model that can be duplicated in other areas facing critical groundwater declines and that have an alternate water source available for groundwater dependent users to utilize.

The workgroup acknowledges additional consideration and direction will be required to implement the pilot project and to determine next steps based on pilot outcomes. Therefore, the workgroup recommends the pilot project be directed by a Umatilla Basin Basalt Aquifer Stabilization and Recovery Advisory Committee comprised of members representing the Confederated Tribes of the Umatilla Indian Reservation, municipalities in the basin, the Northeast Oregon Water Association, Umatilla and Morrow counties, farmers in participating critical groundwater sub-areas, the Port of Morrow, and the Oregon Water Resources Department and Eastern Regional Solutions as ex-officio members. Due to the challenging nature of issues associated with water management and the importance of collaborative solutions within the basin, the workgroup also requests the pilot project be designated as an Oregon Solutions project.

In order to implement the pilot project the workgroup requests state funding of $500,000 per year for five years. This funding, which is contingent upon voluntary agreements to use Columbia River water to replace groundwater, will allow approximately 7,000 acre feet of groundwater per year, with a replacement cost differential of approximately $70.00 per acre foot, to remain in place by replacing its use with Columbia River water. Pilot project administrative costs, estimated at $10,000 per year, will be funded by basin stakeholders using non-state resources. As noted above, in return for state assistance it is anticipated the state will receive stabilized groundwater levels in critical groundwater areas participating in the pilot project, a self-funding program to stabilize and restore critical groundwater areas that can be expanded across the basin, and a proven model that can be duplicated in other basins facing critical groundwater declines where alternate water supplies are available to groundwater dependent users.

Sustainable groundwater use is critical to the long term health of communities and economies in Oregon and across the globe. Thank you for the opportunity to make recommendations on how to stabilize and restore groundwater levels in the Umatilla Basin and we hope our efforts to collaborate across stakeholder interests in the basin can continue to serve as a model for other basins in Oregon and beyond. We

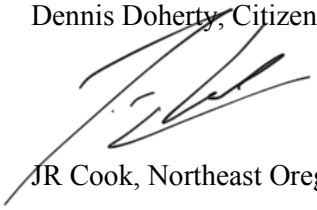
appreciate your ongoing interest in the region and look forward to working with you and other state partners to find solutions for the Umatilla Basin's and Oregon's growing water challenges.

Sincerely, Umatilla Basin Basalt Stabilization Workgroup

Chris Marks, Confederated Tribes of the Umatilla Indian Reservation

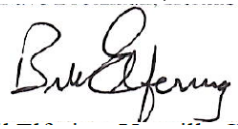
Darrin Ditchen, Golden Valley East LLC

Dennis Doherty, Citizen at Large



JR Cook, Northeast Oregon Water Association

Dave Drotzman, Hermiston, Mayor



Bill Elfering, Umatilla County

Don Russell, Morrow County

Courtney Crowell, Regional Solutions (Ex Officio)

cc: Mike Ladd, Oregon Water Resources Department, Region 5 Manager (Ex Officio)
Tom Byler, Oregon Water Resources Department, Director
Senator Bill Hansell
Representative Greg Smith

11/12/2020

Oregon Water Resources Commission
Attn: Meg Reeves
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Petition for Ordnance Alluvial and Ordnance Basalt Rule Amendment (Regional Comments)

Dear Chair Reeves and Members of the Commission:

The undersigned counties, ports, cities, farms, and organizations wish to offer the following information as you consider the request for rule amendment petition filed by Stand Up to Factory Farms. The undersigned, collectively, have concerns with the precedent that this petition and rule-making could set, and the resources that would be diverted from long-term sustainability efforts and investments should the Oregon Water Resources Commission grant the petitioner's request to initiate rulemaking to target a specific use of water in our region.

The mid-Columbia River of north Morrow County and west Umatilla County (Mid-Columbia) is the economic hub for northeastern Oregon. The Mid-Columbia value-added agricultural economy generates over $3 billion in business activity for the state annually. The bulk of this business activity is generated through value-added agricultural production (farming & livestock production and associated processing, transport, technical & logistics services). Our region has become one of the most efficient agricultural regions in the developed world relating to water and nutrient usage. The regional livestock industry, including dairies, play a major role in the regional economy. Umatilla County and Morrow County continue to trend below the state unemployment percentage of 7.8% by 1.2% and 2.8% respectively.[1] In addition to stable employment our livestock, dairy and agricultural industries and the value-added support network the industry creates enable the Mid-Columbia Region to continue to be competitive in wages and earnings of regional employees. According to the Oregon Employment Department the median household income for Umatilla County is $53,917 (16th). Morrow County is slightly higher at $55,343 (13th).[2]

Regulatory impacts that prevent the Mid-Columbia Region from sustaining its natural resource economy are a major concern to both citizens and government officials of Umatilla County and Morrow County. Any additional regulations on the natural resource economy, need, at a minimum, to be fully vetted by peer reviewed science and consider impacts to property rights and the economy of the region.

The region believes it is on the verge of overcoming long-standing groundwater and surface water problems associated with over-appropriation of ground and surface water supplies by the State of Oregon in the mid-1900's. The region believes it is time to memorialize investment in these sustainability efforts rather than expend additional resources on additional regulatory efforts that do little, if any, to sustain the region's water supplies and could actually result in negative impacts to an expensive multi-biennial water sustainability effort and the partnerships and regional stakeholder investment to fix our problems together.

[1] Information summarized from Oregon Employment Department, August 2020 Employment and Unemployment in Oregon's Counties, https://www.qualityinfo.org/documents/10182/73818/Labor+Force+and+Unemployment+by+Area?version=1.84
[2] Oregon Employment Department, https://www.qualityinfo.org/-/a-closer-look-at-oregon-s-median-household-income

Efforts of the Mid-Columbia Region to Sustain Water Supplies and Our Economy's Reliance on Support from the Oregon Water Resources Department and the State of Oregon

For over four decades, the Mid-Columbia Region has attempted to fix groundwater curtailments caused by the State of Oregon and Oregon Water Resources Department over-appropriation of aquifers. As stated above, the Mid-Columbia Region has harnessed the most advanced agricultural technology to ensure minimal waste of both water supplies and nutrients associated with the livestock and agricultural industry. Our region has hosted countless tours and provided multiple presentations relating to our sustainability efforts and our region's producers, both livestock and agricultural producers, have received countless awards and accreditations for their sustainability practices. The Mid-Columbia Region is proud of the work its natural resource related industries are doing to sustain and enhance our water supplies and water quality while at the same time sustaining jobs and income for a diverse citizenry in Morrow County and Umatilla County.

In 2013, twenty-two stakeholders representing diverse interests in water issues in the Mid-Columbia region signed the Columbia River-Umatilla Solutions Task Force (CRUST) Declaration of Cooperation. Governor Kitzhaber was the twenty-third and final signatory. The CRUST Declaration of Cooperation was developed to move recommendations of multiple planning efforts that were developed but never implemented, or even considered at the executive or legislative branch of Oregon government, in pursuit of water and economic stability in the region. Specifically, the CRUST process focused on the following plans and on-going efforts in formation of the CRUST Declaration of Cooperation:

a. Tribal Water Rights Settlement discussions
b. The [Umatilla Sub] Basin 2050 Water Plan
c. Columbia River Salmon and Steelhead Recovery plans
d. The State's Integrated Water Resources Strategy
e. Umatilla Groundwater Management Area Action Plan

The CRUST Declaration of Cooperation highlighted the need to reconvene the CRUST as necessary and develop institutional capacity under the leadership of the Governor's Office to ensure that the Declaration of Cooperation led to action.[3] To date, no formal action has been taken to memorialize the recommendations of the CRUST or develop the recommended institutional capacity to assist the Mid-Columbia region with implementation of a long-term fix to its groundwater issues.

The Mid-Columbia Region, since 2013 has created its own structure and memorialized a pathway to surface and groundwater sustainability. While the region has memorialized its own commitment to water and economic sustainability for all citizens of Morrow County and Umatilla County, it lacks institutional capacity and commitment from the State of Oregon to see the regional goals through. Lacking any state memorialization or commitment to our efforts leads us re-informing the legislature and executive branch, ever year or every staff change, regarding our efforts and our progress.

In 2015 the Mid-Columbia was able to secure $11 million to develop regional Columbia River water supply projects. This funding led to private investment of over $83 million to develop two of three regional Columbia

[3] Columbia River-Umatilla Solutions Task Force Declaration of Cooperation, pages 12-14, 2013

River water supply projects (West and East Projects). The West and East projects were officially completed and became operational in late summer and early fall of 2020, respectively.

The third and final project, the Ordnance Water Supply and Aquifer Restoration Project (previously known as the Central Project), estimated to cost $18 million, is in the process of securing a funding package with a goal of construction completion between 2022/2023. The Ordnance Water Supply and Aquifer Restoration Project includes a winter recharge component specifically designed to benefit the Ordnance Alluvial Aquifer (one of the two CGA's mentioned in the petition). This recharge project has received previous investment by the state in 2009[4] and the region is intending to utilize data generated through the recharge testing and groundwater characterization investments to aid in development of an aquifer recharge project that can stabilize and recover the Ordnance Alluvial Aquifer to benefit all current and future water needs.

In addition to infrastructure investment, the Mid-Columbia Region has commenced efforts to begin groundwater savings and banking testing. In 2018, Governor Brown appointed the Umatilla Basin Groundwater Stabilization Work Group. Within three months, the work group developed and submitted a report to the Governor outlining an effort to begin testing groundwater savings through the use of existing and new Columbia River supply projects.[5] These recommendations sought to test groundwater savings through voluntary efforts while offering protections to participating landowners.

Since the work group was convened too late to result in additions to the 2019 Governor's Recommended Budget, the Mid-Columbia Region sought to begin testing of the program through passage of legislation (HB 2377). In lieu of passage of a bill, the Oregon Legislature allocated $1 million to Umatilla County in 2019 to begin testing groundwater savings and banking in the Butter Creek and Stage Gulch Critical Groundwater areas. Due to Covid-19 and other factors impacting construction completion of the West and East projects, groundwater savings testing could not commence in time for the 2020 irrigation season. Groundwater savings/banking testing will begin during the 2021 irrigation season.

The Mid-Columbia Region continues to seek formal acknowledgement and state leadership to aid the region in implementation of its water sustainability efforts to sustain the regional economy and quality of life for all urban and rural citizens. The Mid-Columbia Region would benefit from emphasis and direction to staff to work with the region to see permanent fixes, including development of all three regional projects proposed in 2013, development and testing of basalt groundwater savings & banking programs and permanent access to mitigated Columbia River water supplies necessary to maintain economic output while also fixing over-appropriation issues that date back to the mid 1900's.

This informational overview is provided in response to a statement in the Stand Up to Factory Farms Petition that states, "…It is also economically detrimental to allow new exempt stock watering uses within the Ordnance CGWAs. The economic conditions in the Ordnance CGWA's are dependent upon adequate groundwater levels…."[6] Additional regulations of one class of exempt water use in the Ordnance Alluvial and Ordnance Basalt Critical Groundwater areas will not aid in preventing further detrimental impacts to the regional economy. Not following through with commitments to aid the Mid-Columbia Region with access to

[4] HB 3369, 2009
[5] Umatilla Basin Groundwater Stabilization Work Group Recommendations to Governor Brown, December 2018
[6] Stand Up to Family Farms Petition, page 17

sustainable, mitigated Columbia River water supplies, aquifer recharge efforts and development of a basalt savings and banking program will be the key detrimental impact to the regional economy and regional water users.

Petition is Targeting One Industry and One Land Use Rather than Focusing on Water Management and Water Regulation Which Could Set a Dangerous Precedent Preempting Local Land Use Jurisdiction

The Petition is clear that the primary focus is to limit the stock watering exemption to prevent or regulate a specific agricultural industry, dairy operations, which are allowed outright under Oregon Land Use law (ORS 215.203). Dairy operations are also allowed outright in the Exclusive Farm Use zoning of both Umatilla County and Morrow County.

We believe that Oregon Water Law is clear that the Oregon Water Resources Department has the authority to regulate water use based upon priority date regardless of beneficial use (i.e. exempt uses are only exempt from the requirement to obtain a water right, not exempt from regulation). Regulation of land uses that utilize the water fall under the jurisdiction of the Oregon Land Use Planning Program and, in the case of CAFO applications, other state agencies (ODA, DEQ).

This petition attempts to preempt local land use planning jurisdiction as it singles out specific "land uses" (i.e. stock watering and CAFO operations) rather than addressing water management and associated protections to senior water rights holders and/or the water resource itself (e.g. regulation based upon beneficial use without waste and subject to priority date, etc.). It is clear throughout the petition that the rule making request is not tied to exempt uses, priority dates, injury or groundwater sustainability but tied to using the Oregon Water Resources Department to limit a specific land use or industry class that is currently protected by and allowed outright by the Comprehensive Plans of Umatilla County and Morrow County. This generates a very a slippery slope within agency jurisdiction and potentially jeopardizes local land use programs and county control of their land use and land development through acknowledged comprehensive plans.

If the petitioners were interested in water regulation, then the appropriate path should simply have been for the petitioners to request OWRD regulate exempt uses in the Ordnance Alluvial and Ordnance Basalt Critical Groundwater Areas by priority date, again, which we believe to be allowable under current water law. Instead, the petition intends to utilize rulemaking to limit a specific land use, grazing and the use of stock watering.

Under Oregon's Statewide Planning Program (SWPP) specifically Statewide Planning Goal 3 Farmland Protection, ALL farming uses are allowed outright. As a matter of law, all farming is protected under ORS 215.203. The SWPP and Oregon land use laws do not discriminate over types of farms or farming activity. In fact, the land use program began as a way to protect farming from conflicts and encroachments and to prevent non-farm uses.

Additionally, as part of Oregon's SWPP, ORS 197.180 requires each state agency to prepare a State Agency Coordination (SAC) Program to assure that its "rules and programs affecting land use" comply with the statewide planning goals, and are compatible with acknowledged city and county comprehensive plans and land use regulations. (See ORS 197.180, OAR 660-030 and OAR 660-031.) SAC agreements are used to

document the results of an agency evaluation and the coordination of technical assistance provided by the Department of Land Conservation and Development to assure compliance and compatibility.

The OWRD State Agency Coordination Program was approved by the Land Conservation and Development Commission in August 1990. The SAC requires, in part, that OWRD provide notice to local planning agencies and ensures that policies and programs (including Administrative Rules) comply with the local land use programs. The proposed Administrative Rule amendment would in fact be contrary to the Umatilla and Morrow County Comprehensive Land Use Plans and their respective Zoning Codes.

Prioritization of Staff and Resources

As noted above, this rule making will not prevent economic hardship in the region and could lead to more economic uncertainty. The Mid-Columbia Region is committed to overcoming past State of Oregon facilitated over-appropriation of regional water supplies through a multi-biennial effort to secure sustainable, mitigated Columbia River water, develop regional infrastructure and develop basalt/alluvial storage and savings programs to sustain all land uses included in the Comprehensive Plans of Morrow County and Umatilla County, as well as environmental and ecological needs of the region.

Notwithstanding the region's commitment and plea for formal state confirmation of commitment to fixing the region's long-standing over-appropriation issues, this petition request does not appear to be necessary to protect economic health and wellbeing. Stock watering, through the stock watering exemption, is a very minor seasonal use in the two targeted Critical Groundwater Areas. Only two of the three permitted CAFOs mentioned in the petition reside in the two Critical Groundwater Areas currently targeted by this petition. Both CAFOs utilize permitted (i.e. water sources that have a valid, certificated water right) water sources and do not rely on the stock watering exemption for their operational needs. The third permitted CAFO mentioned in the petition is approximately 17 miles west of the westerly boundary of the two Critical Groundwater Areas targeted for rulemaking in the petition. This third CAFO is located 17 miles outside of a Critical Groundwater Area addressed in the petition and uses a mix of water sources for its closed system. There is one additional CAFO pending but that CAFO has not indicated that they intend to utilize the stock watering exemption as they have more sustainable sources targeted for development. All three of the permitted CAFOs and the landowner of the proposed CAFO are all members of the Northeast Oregon Water Association and have committed, through the Northeast Oregon Water Association, to working towards the goals mentioned above. The region is solidified in its efforts to recover and sustain its groundwater resources. In fact, a positive note included in the petition is that the Ordnance Alluvial Aquifer, through privately funded recharge efforts overseen by the County Line Water Improvement District and water efficiency, has stabilized and recovered static levels within the Ordnance Alluvial Aquifer.[7]

To divert resources and staff time, during a period of time when both are scarce, at both the local and state level to commence rulemaking to prevent one specific land use does not appear to be the best use of staff or financial resources at this time. The region would encourage the Oregon Water Resources Commission to utilize its limited staff and legal resources to work with the region and other regions of the State of Oregon on solutions to long-standing water supply problems rather than additional regulations that are not vetted through peer reviewed science that will not promote long-term sustainability of regional water resources or the regional economies of this diverse state.

[7] Stand Up to Factory Farms Petition For Rule Amendment, Pages 12-13, 2020

The undersigned offer these fact-based comments in advance of your consideration of the petition for rule making. Should you have any questions of the undersigned, please contact J.R. Cook, Northeast Oregon Water Association Director at 541-969-8026, to be directed to the appropriate party.

Sincerely,

City of Irrigon

City of Boardman

City of Hermiston

Where Life is Sweet

Port of Morrow

Port of Umatilla

Umatilla County

Morrow County

Northeast Oregon Water Association

MORROW COUNTY

Board of Commissioners

P.O. Box 788 • Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

Commissioner Melissa Lindsay, Chair
Commissioner Don Russell
Commissioner Jim Doherty

November 12, 2020

Oregon Water Resources Commission
Attn: Meg Reeves
725 Summer Street N.E., Suite A
Salem, OR 97301-1271

RE: Petition before the Oregon Water Resources Commission Regarding Regulation of Ordnance Alluvial and Ordnance Basalt Administrative Rules

Dear Chair Reeves and Members of the Commission,

Morrow County is opposed to the petition to restrict certain natural resource industries. The petition filed by Stand Up to Factory Farms singles out the dairy industry and confined animal feeding operations (CAFOs) located in the Ordnance Alluvial and Ordnance Basalt Critical Groundwater Areas. Morrow County joins the regional effort in opposition to the proposed rulemaking for reasons explained in that regional letter.

Contrary to Local Land Use Plan

Additionally, Morrow County submits this letter to show our opposition to Administrative Rules that would be contrary to our County Comprehensive Plan and in violation of our Exclusive Farm Use (EFU) Zone. Specifically, the petition seeks to preempt local land use planning jurisdiction by limiting certain "land uses" (e.g. stock watering and CAFOs, uses which are allowed outright in the Exclusive Farm Use EFU Zone).

The two Critical Groundwater Area designations are subject to Statewide Planning Goal 5 which is also incorporated into the Comprehensive Plan. Where a Goal 5 "program" is changed, it must be adopted locally as part of the Goal 5 program in the local plan. Any amendment to the Basin Rules must also follow commensurate amendment to the local comprehensive plan.

Conflicting with Statewide Planning Program

Under Oregon's Comprehensive Statewide Planning Program (SWPP), only a locally adopted and acknowledged plan and zoning code has authority to regulate land uses. Attempting to regulate the use of land indirectly by construing water law and regulation is contrary to Oregon's SWPP, Oregon Revised Statue Chapter 215, Oregon Administrative Rules Chapter 660 Division 33 – Agricultural land.

Farming is Subject to Protection of Right to Farm laws

The effect of the proposed rule change and exclusion of select farm uses would be in direct conflict with ORS Chapter 30.930, Oregon's Right to Farm law.

New regulation is subject to Ballot Measure 49 and Ballot Measure 56

Where the new regulation would have the effect of limiting land use, such rule would afford the landowners just compensation under Measure 49. Measure 56 requires that any amendment of a land use regulation, albeit indirectly, would also require direct notice to all landowners with lands zoned EFU.

State Agency Coordination Program

Prior to promulgation of Administrative Rules, Morrow County requests formal consultation as provided for in the Water Resources State Agency Coordination (SAC) Program. Under ORS 197.180, each state agency is required to prepare a SAC Program to assure that its "rules and programs affecting land use" comply with the statewide planning goals, and are compatible with acknowledged city and county comprehensive plans and land use regulation. The OWRD State Agency Coordination Program was approved by the Land Conservation and Development Commission (LCDC) in August 1990. The OWRD SAC requires, in part, that OWRD provide notice to local planning agencies and insure that polices, programs (including Administrative Rules) comply with the local land use programs.

We believe the proposed water rules would undermine state and county protection of farm use. We therefore request formal consultation prior to advancing the request to a formal rulemaking process. We also believe the Oregon Department of Land Conservation and Development should be included in the consultation.

Morrow County Supports Local Planning

In the past decade, Oregon Water Resources Department and Commission have pivoted away from centralized planning and shifted to local watershed and basin planning. Examples include the 100-Year Water Vision, the Integrated Water Resources Strategy (IWRS) and the Place-Based Planning Project. We support local planning and oppose new top-down regulations that limit land use and have negative impacts on our natural resource economy.

Sincerely,

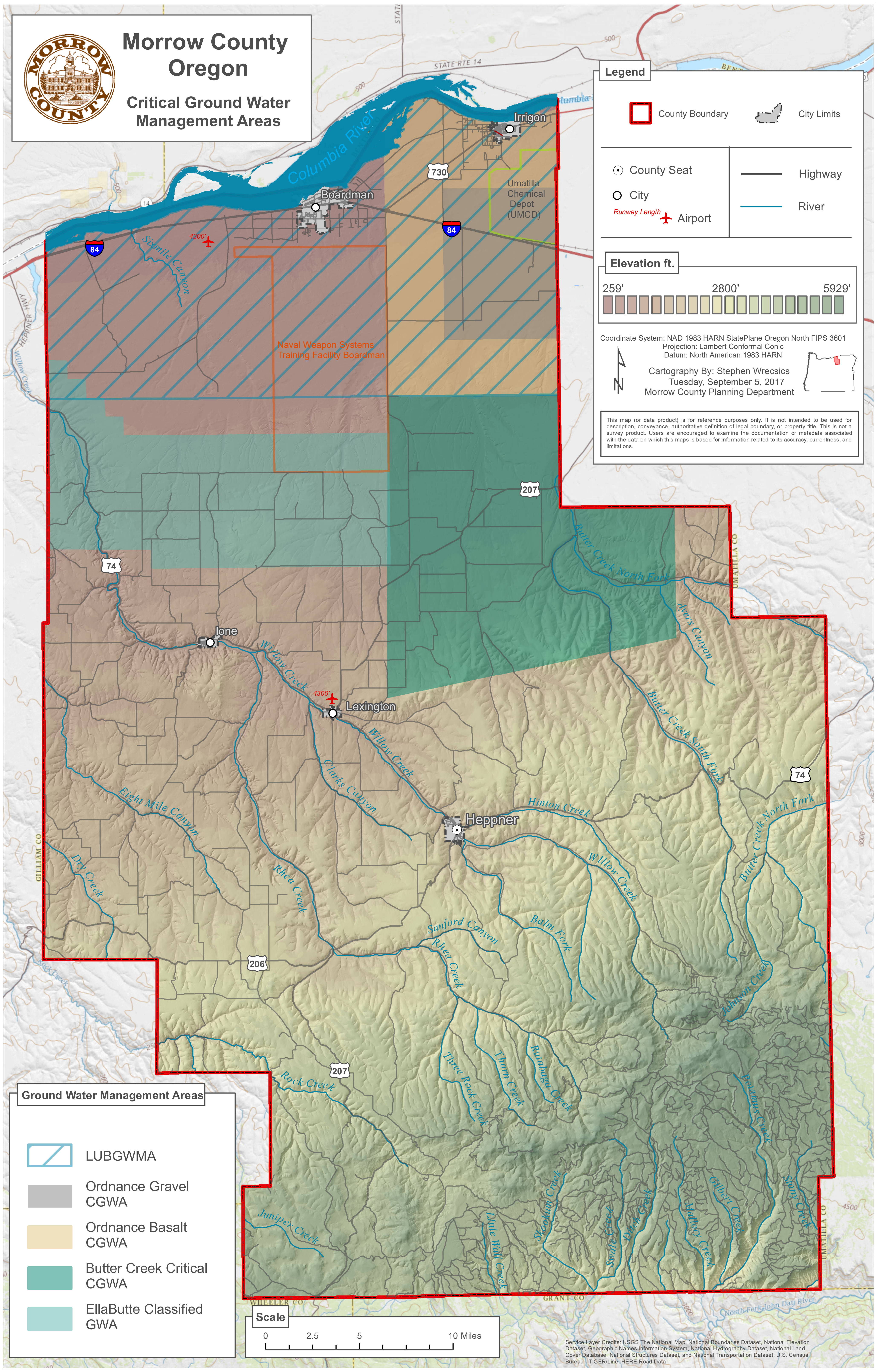
Melissa Lindsay
Chair

Don Russell
Commissioner

Jim Doherty
Commissioner

Cc: Umatilla County Board of Commissioners
Senator Bill Hansell
Representatives Greg Smith and Mark Owens

Representative-Elect Bobby Levy
Port of Morrow, Ryan Neal, Executive Director
Northeast Oregon Water Association, JR Cook, Executive Director
Oregon Department of Land Conservation and Development, Jim Rue, Director, and
Kristin Greene, Deputy Director
Oregon Cattlemen's Association, Tammy Dennee, Executive Director
Oregon Dairy Farmers Association, Tami Kerr, Executive Director
Association of Oregon Counties, Rob Bovett and Lauren Smith
Lost Valley Farms, Jeff Bosma
Meenderinck Dairy, Pete Meenderinck
Easterday Farms, Cody Easterday and Bill Easterday
Threemile Canyon Farms, Marty Myers


Morrow County Oregon
Critical Ground Water Management Areas
MORROW COUNTY
Legend
County Boundary
City Limits
County Seat
City
Runway Length
Airport
Highway
River
Elevation ft.
259'
2800'
5929'
Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN
N
Cartography By: Stephen Wrecsics
Tuesday, September 5, 2017
Morrow County Planning Department
This map (or data product) is for reference purposes only. It is not intended to be used for description, conveyance, authoritative definition of legal boundary, or property title. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data on which this maps is based for information related to its accuracy, currentness, and limitations.
Ground Water Management Areas
LUBGWMA
Ordnance Gravel CGWA
Ordnance Basalt CGWA
Butter Creek Critical CGWA
EllaButte Classified GWA
Scale
0
2.5
5
10 Miles
Service Layer Credits: USGS The National Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road Data
Columbia River
STATE RTE 14
500
Irrigon
Boardman
730
84
Umatilla Chemical Depot (UMCD)
4200'
Sixmile Canyon
Naval Weapon Systems Training Facility Boardman
HEPPNER HWY
Willow Creek
207
74
Ione
Willow Creek
4300'
Lexington
Butter Creek North Fork
Ayers Canyon
UMATILLA CO
Butter Creek South Fork
Clarks Canyon
Willow Creek
Hinton Creek
Heppner
Eight Mile Canyon
GILLIAM CO
Dry Creek
Rhea Creek
Willow Creek
Butter Creek North Fork
Sanford Canyon
Balm Fork
Rhea Creek
206
Rock Creek
Johnson Creek
Three Rock Creek
Thorn Creek
Rutabaga Creek
207
Rock Creek
Potamus Creek
Junipey Creek
Skookum Creek
Swale Creek
Ditch Creek
Mallory Creek
Gilbert Creek
Stony Creek
Little Wall Creek
UMATILLA CO
4500
WHEELER CO
GRANT CO
3000
North Fork John Day River

A neighborly community providing safe services, developing innovative partnerships, focusing on quality and life-giving opportunities

November 12, 2020

Oregon Water Resources Commission
Attn: Meg Reeves
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Petition for Ordnance Alluvial and Ordnance Basalt Rule Amendment

Dear Chair Reeves and Members of the Commission:

The City of Irrigon has joined a multitude of other government entities, farms, and organizations offering the following information as you consider the request for the rule amendment petition filed by Stand Up to Factory Farms. The City of Irrigon also submits this letter in opposition to the amendment petition as an affected community of the many water quantity and quality measures currently in place under Oregon Administrative Rule. There are numerous concerns with the precedence that this petition and rule-making could set, and the resources that would be diverted from long-term sustainability efforts and investments should the Oregon Water Resources Commission grant the petitioner's request to initiate rulemaking to target a specific use of water in our region.

The City of Irrigon finds that the action requested in the amendment petition filed by Stand Up to Factory Farms would result in a direct assault against local land use authority targeting a narrow portion of the agricultural industry, specifically dairies. There is a comment within the petition that identifies 90,000 cows on the 93,000 acres that make up Threemile Canyon Farms inferring the activity is harmful and must not be allowed. An alternative view is that there is an operation that clearly has balance in allowing for more than an acre per cow. The City of Irrigon is concerned with the disdain for the agricultural community found in the amendment petition. A dairy of 100 cows, or 1,000 cows, or 10,000 cows is still a dairy. The same rational can and should be applied to any farm operation at any size. The City of Irrigon would encourage you and members of your Commission to visit farming operations in Eastern Oregon and in the Mid-Columbia area to see for yourself that they operate like any other farm. While there may be economies of scale with a larger operation the activities that make up a farm are still taking place – planting, irrigation, harvesting, and animal husbandry.

What industry might be targeted next? The City of Irrigon is concerned about what industry might next be targeted using these same arguments. Oregon law requires State Agency Coordination designed to assure that State Agency regulation is compliant with local Comprehensive Plans and implementing ordinances. Agricultural activities are allowed in both Umatilla and Morrow Counties and are further protected by Goal 3 of the Statewide Planning Program.

The mid-Columbia River of north Morrow County and west Umatilla County (Mid-Columbia) is the economic hub for northeastern Oregon and serves as the northern boundary of the City of Irrigon. The Mid-Columbia value-added agricultural economy generates over $3 Billion in business activity for the state annually. The bulk of this business activity is generated through value-added agricultural production (farming & livestock production and associated processing, transport, technical & logistics services). Our region has become one of the most efficient agricultural regions in the developed world relating to water and nutrient usage. The regional livestock industry, including dairies, play a major role in the regional economy. Umatilla County and Morrow County continue to trend below the state unemployment percentage of 7.8% by 1.2% and 2.8% respectively.[1] In addition to stable employment our livestock, dairy and agricultural industries and the value-added support network the industry creates enable the Mid-Columbia region to continue to be competitive in wages and earnings of regional employees. According to the Oregon Employment Department the median household income for Umatilla County is $53,917 (16th). Morrow County is slightly higher at $55,343 (13th).[2] The City of Irrigon is a benefactory of these activities and their financial outcomes, seeing recent growth in housing development not unlike what has been experienced in nearby Hermiston, Umatilla, and Boardman.

Regulatory impacts that prevent the Mid-Columbia Region from sustaining its natural resource economy are a major concern to both citizens and government officials of Umatilla County and Morrow County. Any additional regulations on the natural resource economy need, at a minimum, to be fully vetted by peer reviewed science and consider impacts to property rights and the economy of the region.

The region believes it is on the verge of overcoming long-standing groundwater and surface water problems associated with over-appropriation of ground and surface water supplies by the State of Oregon in the mid 1900's. The region believes it is time to memorialize investment in these sustainability efforts rather than expend additional resources on additional regulatory efforts that do little, if any, to sustain the regions water supplies and could actually result in negative impacts to an expensive multi-biennial water sustainability effort and the partnerships and regional stakeholder investment to fix our problems together.

Efforts of the Mid-Columbia Region to Sustain Water Supplies and Our Economy's Reliance on Support from the Oregon Water Resources Department and the State of Oregon

For over four decades the Mid-Columbia region has attempted to fix groundwater curtailments caused by the State of Oregon and Oregon Water Resources Department over-appropriation of aquifers. As stated above, the Mid-Columbia Region has harnessed the most advanced agricultural technology to ensure minimal waste of both water supplies and nutrients associated with the livestock and agricultural industry. Our region has hosted countless tours and provided

[1] Information summarized from Oregon Employment Department, August 2020 Employment and Unemployment in Oregon's Counties, https://www.qualityinfo.org/documents/10182/73818/Labor+Force+and+Unemployment+by+Area?version=1.84

[2] Oregon Employment Department, https://www.qualityinfo.org/-/a-closer-look-at-oregon-s-median-household-income

multiple presentations relating to our sustainability efforts and our regions producers, both livestock and agricultural producers, have received countless awards and accreditations for their sustainability practices. The Mid-Columbia region is proud of the work its natural resource related industries are doing to sustain and enhance our water supplies and water quality while at the same time sustaining jobs and income for a diverse citizenry in Morrow County and Umatilla County.

In 2013 twenty-two stakeholders representing diverse interests in water issues in the Mid-Columbia region signed the Columbia River-Umatilla Solutions Task Force (CRUST) Declaration of Cooperation. Governor Kitzhaber was the 23rd and final signature. The CRUST Declaration of Cooperation was developed to move recommendations of multiple planning efforts that were developed but never implemented, or even considered at the executive or legislative branch of Oregon government, in pursuit of water and economic stability in the region. Specifically, the CRUST process focused on the following plans and on-going efforts in formation of the CRUST Declaration of Cooperation:

a. Tribal Water Rights Settlement discussions
b. The [Umatilla Sub] Basin 2050 Water Plan
c. Columbia River Salmon and Steelhead Recovery plans
d. The State's Integrated Water Resources Strategy
e. Umatilla Groundwater Management Area Action Plan

The CRUST Declaration of Cooperation highlighted the need to reconvene the CRUST as necessary and develop institutional capacity under the leadership of the Governor's office to ensure that the Declaration of Cooperation lead to action.[3] To date no formal action has been taken to memorialize the recommendations of the CRUST or develop the recommended institutional capacity recommended by the CRUST to assist the Mid-Columbia region with implementation of a long-term fix to its groundwater issues.

The Mid-Columbia region, since 2013 has created its own structure and memorialized a pathway to surface and groundwater sustainability. While the region has memorialized its own commitment to water and economic sustainability for all citizens of Morrow County and Umatilla County, it lacks institutional capacity and commitment from the State of Oregon to see the regional goals through. Lacking any state memorialization or commitment to our efforts leads us re-informing the legislature and executive branch, ever year or every staff change, regarding our efforts and our progress.

In 2015 the Mid-Columbia was able to secure $11 million to develop regional Columbia River water supply projects. This funding lead to private investment of over $83 million to develop two of three regional Columbia River water supply projects (West and East Projects). The West and East projects were officially completed and became operational in late summer and early fall of 2020, respectively.

The third and final project, the Ordnance Water Supply and Aquifer Restoration Project (previously known as the Central Project), estimated to cost $18 million, is in the process of securing a funding package with a goal of construction completion between 2022/2023. The Ordnance Water Supply and Aquifer Restoration Project includes a winter recharge component

[3] Columbia River-Umatilla Solutions Task Force Declaration of Cooperation, pages 12-14, 2013

specifically designed to benefit the Ordnance Alluvial Aquifer (one of the two CGA's mentioned in the petition). This recharge project has received previous investment by the state in 2009[4] and the region is intending to utilize data generated through the recharge testing and groundwater characterization investments to aid in development of an aquifer recharge project that can stabilize and recover the Ordnance Alluvial Aquifer to benefit all current and future water needs.

In addition to infrastructure investment, the Mid-Columbia region has begun efforts to begin groundwater savings and banking testing. In 2018 Governor Brown appointed the Umatilla Basin Groundwater Stabilization Work Group. Within 3 months the work group developed and submitted a report to the Governor outlining an effort to begin testing groundwater savings through the use of existing and new Columbia River supply projects.[5] These recommendations sought to test groundwater savings through voluntary efforts while offering protections to participating landowners who participate.

Since the work group was convened too late to result in additions to the 2019 Governor's Recommended Budget, the Mid-Columbia Region sought to begin testing of the program through passage of legislation (HB 2377). In lieu of passage of a bill, the Oregon Legislature allocated $1 million to Umatilla County in 2019 to begin testing groundwater savings and banking in the Butter Creek and Stage Gulch Critical Groundwater areas. Due to Covid-19 and other factors impacting construction completion of the West and East projects, groundwater savings testing could not commence in time for the 2020 irrigation season. Groundwater savings/banking testing will begin during the 2021 irrigation season.

The Mid-Columbia region continues to seek formal acknowledgement and state leadership to aid the region in implementation of its water sustainability efforts to sustain the regional economy and quality of life for all urban and rural citizens. The Mid-Columbia region would benefit from emphasis and direction to staff to work with the region to see permanent fixes, including development of all three regional projects proposed in 2013, development and testing of basalt groundwater savings & banking programs and permanent access to mitigated Columbia River water supplies necessary to maintain economic output while also fixing over-appropriation issues that date back to the mid 1900's.

This informational overview is provided in response to a statement in the Stand Up to Factory Farms Petition that states, "…It is also economically detrimental to allow new exempt stock watering uses within the Ordnance CGWAs. The economic conditions in the Ordnance CGWA's are dependent upon adequate groundwater levels…."[6] Additional regulations of one class of exempt water use in the Ordnance Alluvial and Ordnance Basalt Critical Groundwater areas will not aid in preventing further detrimental impacts to the regional economy. Not following through with commitments to aid the Mid-Columbia region with access to sustainable, mitigated Columbia River water supplies, aquifer recharge efforts and development of a basalt savings and banking program will be <u>the</u> key detrimental impact to the regional economy and regional water users.

[4] HB 3369, 2009

[5] Umatilla Basin Groundwater Stabilization Work Group Recommendations to Governor Brown, December 2018

[6] Stand Up to Family Farms Petition, page 17

Petition is Targeting One Industry and One Land Use Rather than Focusing on Water Management and Water Regulation Which Could Set a Dangerous Precedent Preempting Local Land Use Jurisdiction

The Petition is clear that the primary focus is to limit the stock watering exemption to prevent or regulate a specific agricultural industry, dairy operations, which are allowed outright under Oregon Land Use law (ORS 215.203). Dairy operations are also allowed outright in the Exclusive Farm Use zoning of both Umatilla County and Morrow County.

We believe that Oregon Water Law is clear that the Oregon Water Resources Department has the authority to regulate water use based upon priority date regardless of beneficial use (i.e. exempt uses are only exempt from the requirement to obtain a water right, not exempt from regulation). Regulation of land uses that utilize the water falls under the jurisdiction of the Oregon Land Use Planning Program and, in the case of CAFO applications, other state agencies (ODA DEQ).

This petition attempts to preempt local land use planning jurisdiction as it singles out specific "land uses" (i.e. stock watering and CAFO operations) rather than addressing water management and associated protections to senior water rights holders and/or the water resource itself (e.g. regulation based upon beneficial use without waste and subject to priority date, etc.). It is clear throughout the petition that the rule making request is not tied to exempt uses, priority dates, injury or groundwater sustainability but tied to using the Oregon Water Resources Department to limit a specific land use or industry class that is currently protected by and allowed outright by the Comprehensive Plans of Umatilla County and Morrow County. This generates a very a slippery slope within agency jurisdiction and potentially jeopardizes local land use programs and County control of their land use and land development through acknowledged comprehensive plans.

If the petitioners were interested in water regulation then the appropriate path should simply have been for the petitioners to request OWRD regulate exempt uses in the Ordnance Alluvial and Ordnance Basalt Critical Groundwater Areas by priority date, again, which we believe to be allowable under current water law. Instead, the petition intends to utilize rulemaking to limit a specific land use, grazing and the use of stock watering.

Under Oregon's Statewide Planning Program (SWPP) specifically Statewide Planning Goal 3 Farmland Protection, ALL farming uses are allowed outright. As a matter of law, all farming is protected under ORS 215.203. The SWPP and Oregon land use laws do not discriminate over types of farms or farming activity. In fact, the land use program began as a way to protect farming from conflicts and encroachments and to prevent non-farm uses.

Additionally, as part of Oregon's Statewide Planning Program, ORS 197.180 requires each state agency to prepare a State Agency Coordination (SAC) Program to assure that its "rules and programs affecting land use" comply with the statewide planning goals, and are compatible with acknowledged city and county comprehensive plans and land use regulations. (See ORS 197.180, OAR 660-030 and OAR 660-031.) SAC agreements are used to document the results of an agency evaluation and the coordination of technical assistance provided by DLCD to assure compliance and compatibility.

The OWRD State Agency Coordination Program was approved by the Land Conservation and Development Commission in August 1990. The SAC requires, in part, that OWRD provide notice to local planning agencies and insure that polices, programs (including Administrative Rules) comply with the local land use programs. The proposed Administrative Rule amendment would in fact be contrary to the Umatilla and Morrow County Comprehensive Land Use Plans and their respective Zoning Codes.

Prioritization of Staff and Resources

As noted above, this rule making will not prevent economic hardship in the region and could lead to more economic uncertainty. The Mid-Columbia region is committed to overcoming past State of Oregon facilitated over-appropriation of regional water supplies through a multi-biennial effort to secure sustainable, mitigated Columbia River water, develop regional infrastructure and develop basalt/alluvial storage and savings programs to sustain all land uses included in the Comprehensive Plans of Morrow County and Umatilla County, as well as environmental and ecological needs of the region.

Notwithstanding the region's commitment and plea for formal state confirmation of commitment to fixing the region's long-standing over-appropriation issues, this petition request does not appear to be necessary to protect economic health and wellbeing. Stock watering, through the stock watering exemption, is a very minor seasonal use in the two targeted Critical Groundwater Areas. Only two of the three permitted CAFO's mentioned in the petition reside in the two Critical Groundwater Areas currently targeted by this petition. Both CAFO's utilize permitted (i.e. water sources that have a valid, certificated water right) water sources and do not rely on the stock watering exemption for their operational needs. The third permitted CAFO mentioned in the petition is approximately 17 miles west of the westerly boundary of the two Critical Groundwater Areas targeted for rulemaking in the petition. This third CAFO is located 17 miles outside of a Critical Groundwater Areas addressed in the petition and uses a mix of water sources for its closed system. There is one additional CAFO pending but that CAFO has not indicated that they intend to utilize the stock watering exemption as they have more sustainable sources targeted for development. All three of the permitted CAFOs and the landowner of the proposed CAFO are all members of the Northeast Oregon Water Association and have committed, through the Northeast Oregon Water Association, to working towards the goals mentioned above. The region is solidified in its efforts to recover and sustain its groundwater resources. In fact, a positive note included in the petition is that the Ordnance Alluvial Aquifer, through privately funded recharge efforts overseen by the County Line Water Improvement District and water efficiency, has stabilized and recovered static levels within the Ordnance Alluvial Aquifer.[7]

To divert resources and staff time, during a period of time when both are scarce, at both the local and state level to commence rulemaking to prevent one specific land use does not appear to be the best use of staff or financial resources at this time. The region would encourage the Oregon Water Resources Commission to utilize its limited staff and legal resources to work with the region and other regions of the State of Oregon on solutions to long-standing water supply problems rather than additional regulations that are not vetted through peer reviewed science that will not promote long-term sustainability of regional water resources or the regional economies of this diverse state.

[7] Stand Up to Factory Farms Petition for Rule Amendment, Pages 12-13, 2020

The City of Irrigon offers these fact-based comments in advance of your consideration of the petition for rule making. Should you have any technical questions, please contact J.R. Cook, Northeast Oregon Water Association Director at 541-969-8026. Questions about the position of the City of Irrigon can be directed to City Hall at 541-922-3047.

Best regards,

Aaron Palmquist
City Manager
Aaron Palmquist, MBA/PA
City Manager
PO Box 428
Irrigon, OR 97844

November 12, 2020

VIA ELECTRONIC MAIL

Breeze Potter
Oregon Water Resources Department
725 Summer St. NE, Suite A,
Salem, OR 97301-1271
Email: breeze.k.potter@oregon.gov

RE: Comments to Notice of Petition for Rule Amendment or Rulemaking (Stand Up to Factory Farms' October 5, 2020 Petition)

The Oregon Cattlemen's Association ("OCA"), the Oregon Farm Bureau Federation ("OFB"), and the Oregon Dairy Farmers Association ("ODFA") (together, "Agriculture Groups") are writing on behalf of their members in opposition to Stand Up to Factory Farms' Petition for Rule Amendment or Rulemaking submitted on October 5, 2020. Agriculture Groups oppose the petition because the proposal is contrary to the procedure for amending a Critical Ground Water Area ("CGWA") designation order, the Oregon Water Resources Department ("OWRD") already has authority to regulate junior exempt groundwater users within the CGWA and elsewhere throughout the State, and the proposed action would not further protect the groundwater resource in the Ordnance CGWAs.

As a threshold matter, the Agriculture Groups agree that protecting our groundwater resources, especially CGWAs, is imperative. It is equally important that water users following the law are also protected. Fortunately, as explained below, the State has established processes for protecting groundwater resources and those who rely on them.

First, CGWAs are designated as set forth in Oregon Revised Statute ("ORS") 537.730 – 537.742. ORS 537.730(2) provides, "The proceeding to designate a critical ground water area shall be conducted according to the provisions under ORS chapter 183 applicable to the adoption of rules by an agency, ***except that a hearing on a critical ground water declaration shall occur at least 60 days after notice has been given***." (Emphasis added.) Here, the Ordnance CGWA was designated in 1976 after an evidentiary hearing. All evidence presented at the hearing resulted in an order by the OWRD Director finding that restriction of exempt uses of groundwater within the CGWA was unnecessary to protect the groundwater resource. This is not true for all CGWAs; for example, the Cooper-Bull Mountain CGWA restricts further development of exempt groundwater uses.

Stand Up to Factory Farms is requesting more than a simple rule amendment or rulemaking. Instead, the group is requesting a change to the Ordnance CGWA designation itself. If the Oregon Water Resources Commission ("Commission") wishes to make the requested change, it must follow the process set forth in statute for designation of a CGWA. Otherwise, the

Commission will circumvent the statutory process required when a CGWA is created. Though the statutes do not provide guidance about CGWA ***amendment***, no other authority is given by the State Legislature to the Commission or OWRD to amend CGWA designations by other means. Further, the Legislature could not have intended to require a hearing prior to designating a CGWA only to allow the agency to make an "end run" around the required process to change the designation later. Thus, Stand Up to Factory Farm's Petition for Rule Amendment or Rulemaking requests that the Commission take action that is outside its statutory authority, and the Commission should deny the petition.

Second, OWRD already has authority to regulate any large, new uses of exempt groundwater within the Ordnance CGWA. As expressed in a letter from Mike Ladd, OWRD Region Manager, to Greg te Velde on February 5, 2016, OWRD informed Mr. te Velde that his intended use of exempt groundwater for livestock within the Ordnance CGWA would not be sustainable. Mr. Ladd told Mr. te Velde, "This amount of additional use is not sustainable which could cause us to look at re-opening the Ordnance basalt CGWA order and consider regulation of the most junior uses, including exempt uses." See Attachment B to Stand Up to Factory Farms' Petition. As such, OWRD both acknowledged that it would need to re-open the Ordnance CGWA to make changes to the requirements thereof (as explained above), and that OWRD has the authority to regulate off junior users of exempt groundwater.

No water use permit is required to use groundwater for stockwatering. ORS 537.545(1)(a). Such exempt use of groundwater "constitutes a right to appropriate ground water equal to that established by a ground water right certificate." ORS 537.545(2). "If it is necessary for the Water Resources Department to regulate the use or distribution of ground water, including uses for purposes that are exempt under subsection (1) of this section, the department shall use as a priority date for the exempt uses the date indicated in the log for the well filed with the department under ORS 537.765 or other documentation provided by the well owner showing when water use began." ORS 537.545(4).

OWRD's authority to regulate groundwater use is found in ORS 537.525(9), which states, "Whenever wasteful use of ground water, impairment of or interference with existing rights to appropriate surface water, declining ground water levels, alteration of ground water temperatures that may adversely affect priorities or impair the long-term stability of the thermal properties of the ground water, interference among wells, thermal interference among wells, overdrawing of ground water supplies or pollution of ground water exists or impends, controlled use of the ground water concerned be authorized and imposed under voluntary joint action by the Water Resources Commission and the ground water users concerned whenever possible, but by the commission under the police power of the state except as specified in ORS 537.796, when such voluntary joint action is not taken or is ineffective." The Commission enacted regulations that further guide OWRD's regulation of groundwater, including exempt uses of groundwater. Under such authority, OWRD may regulate off a junior exempt use of groundwater, as recognized by Mr. Ladd in his letter to Mr. te Velde in 2016.

Third, as stated more fully in the comments submitted in response to this Petition by Northeast Oregon Water Association, Umatilla County, Morrow County, City of Hermiston, City

of Boardman, City of Irrigon, Port of Morrow, and Port of Umatilla, none of the dairies within the Ordnance CGWA use exempt groundwater as their source of water for stockwater. While it is true that in 2016 Greg te Velde attempted to use groundwater as an exempt use of water for livestock, OWRD advised Mr. te Velde that it would regulate off any such use, and quickly did so after Mr. te Velde began using groundwater for that purpose without a water use permit. The new owners of the property that once included the Lost Valley Farm have not indicated that they intend to use exempt groundwater for stockwater, nor do any of the other dairies within the Ordnance CGWA use the stockwater exemption to meet their needs.

Therefore, Stand Up to Factory Farms' Petition does not seek to cure what the group alleges is "failing to fulfill the purpose" of the Ordnance CGWA designation order. Rather, the group is asking the Commission to engage in an *ultra vires* activity that has no chance of improving the groundwater decline the group alleges is still occurring. The group claims that granting its Petition will require dairies to obtain other sources of water, including using the transfer process to use existing groundwater rights for stockwater. However, this is precisely what is ***already occurring*** within the Ordnance CGWA. Easterday Farms Dairy, the owner of the former Lost Valley Farm property, has not indicated a need for, nor an interest to date in, exempt groundwater for stockwatering. The previous landowner attempted to complete the very transfer that the Petitioners assert should occur in lieu of using exempt stockwater. Stand Up to Factory Farms' member WaterWatch of Oregon opposed the transfer, which ultimately forced the previous landowner to attempt to utilize the groundwater exemption rather their preferred water supply. The transfer is still pending years later. Thus, it is clear that this group's ultimate goal is not to protect the groundwater resource, but rather to hamper agriculture by any available means.

While an amendment to the CGWA is not necessary to protect the groundwater resource, if the Commission is interested in exploring whether further regulation is needed, we strongly urge the Commission not to initiate a rulemaking, but instead deny the petition and initiate a public process to evaluate whether there is a need to amend the CGWA using the procedure set forth in statute. This public process should include robust engagement with the local agricultural community and creation of a stakeholder committee to provide feedback to OWRD on whether an amendment is necessary to protect the groundwater resource given OWRD's authority to regulate exempt uses.

As explained above, Stand Up to Factory Farms' Petition for Rule Amendment or Rulemaking is contrary to the process required to modify the Ordnance CGWA designation order, OWRD already has the authority to regulate off junior exempt users of groundwater throughout the State, and no large exempt uses of groundwater for stockwatering currently exist nor are planned within the Ordnance CGWA. The Agriculture Groups are committed to continue working with the Commission and OWRD to find true solutions to water resources concerns in the State. The Agriculture Groups would invite further discussion of this issue or similar issues with the Commission and OWRD, including consideration of rulemaking and legislation. However, the Agriculture Groups do not support this current proposal, and urge the Commission to deny Stand Up to Factory Farms' Petition.

Thank you for the opportunity to comment.

Sincerely,

Tammy Dennee
Executive Director
Oregon Cattlemen's Association

Sarah Liljefelt
Water Resources Committee Chair
Oregon Cattlemen's Association

Mary Anne Cooper
Vice President of Public Policy
Oregon Farm Bureau Federation

Tami Kerr
Executive Director
Oregon Dairy Farmers Association