

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, October 28, 2020 at 9:00 a.m.

Bartholomew Building Upper Conference Room

110 N. Court St., Heppner, Oregon

See Zoom Meeting Info on Page 2

AMENDED

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on issues not on the agenda
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
 - a. Accounts Payable and Payroll Payables
 - b. Minutes: September 16th
 - ~~c. Defined Contribution Retirement Plan Agreement with Edward Jones~~
5. **Business Items**
 - a. Acknowledge upcoming retirements: Diane Kilkenny, Interim Public Health Director and Alan Gregory, Public Works Foreman
 - ~~b. Comment Letters to the Energy Facility Siting Council Regarding the Carty Generating Station Request for Amendment 2 & Draft Proposed Order, and Wheatridge II Request to Amend Site Certificate (Tamra Mabbott, Planning Director)~~
 - c. Public Health Department Memorandums of Understanding with Community Based Organizations – Doulas Latinas International and Euvalcree (Diane Kilkenny, Interim Public Health Director)
 - d. Review Registered Nurse Supervisor Job Description (Lindsay Grogan, Human Resources)
 - e. Wheatridge Project – Agreement on Procedural Issues for Partial Assignments (Darrell Green, Administrator)
 - f. Cattle Guard Procurement (Matt Scrivner, Public Works)
 - ~~g. Notice of Grant Opportunity for Off-System Paths (Gregg Zody, Community Development Director)~~
 - h. Morrow County Emergency Operations Center Update
 - i. Irrigon Building Update (Darrell Green, Administrator)
 - j. Association of Oregon Counties Virtual Annual Conference and November 18th BOC Meeting
6. **Department Reports**
 - a. Road Department Monthly Report (Eric Imes)
 - b. Clerk's Quarterly Report (Bobbi Childers)
 - c. Human Resources Quarterly Report (Lindsay Grogan)
 - d. Surveyor's Quarterly Report (Stephen Haddock)
 - e. Public Health Department Quarterly Report (Diane Kilkenny)
 - f. Weed Department Quarterly Report (Written Only)
7. **Correspondence**
8. **Commissioner Reports**
9. **Executive Session:** Pursuant to ORS 192.660(2)(h) – To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation

likely to be filed

10. Executive Session: Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions

11. Signing of documents

12. Adjournment

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under “Upcoming Events”). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutcher at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, Administrator at (541) 676-2529.

Zoom Meeting Information

Join Zoom Meeting: <https://zoom.us/j/5416762546>

PASSWORD: 97836 Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only:

- 1-346-248-7799, Meeting ID: 541 676 2546#
- 1-669-900-6833, Meeting ID: 541 676 2546#
- 1-312-626-6799, Meeting ID: 541-676-2546#
- 1-929-436-2866, Meeting ID: 541-676-2546#
- 1-253-215-8782, Meeting ID: 541-676-2546#
- 1-301-715-8592, Meeting ID: 541-676-2546#

**Morrow County Board of Commissioners Meeting Minutes
September 16, 2020
Bartholomew Building Upper Conference Room
Heppner, Oregon**

Present In-Person

Chair Melissa Lindsay, Commissioner Don Russell, Commissioner Jim Doherty; Staff: Darrell J. Green, Roberta Lutcher, Richard Tovey; Non-Staff: J.R. Cook

Present via Zoom

Staff: SaBrina Bailey Cave, Bobbi Childers, Mike Gorman, Gayle Gutierrez, Ann Jones, Diane Kilkenny, Kate Knop, Justin Nelson, Sandi Pointer, Linda Skendzel, Vickie Turrell, Stephen Wrecsics, Gregg Zody; Non-Staff: Sheryll Bates, Torrie Griggs, Leah Harris, Lori Roach, David Sykes

Arrivals after Public Hearing

Staff: John A. Bowles. Via Zoom: Glen Diehl; Non-Staff: David Lawlor, Kathy Street, Keleigh Wright, unidentified caller

Call to Order & Pledge of Allegiance: 9:00 a.m., followed by roll call

City & Citizen Comments: None

Open Agenda: As part of Commissioner Reports, Chair Lindsay will discuss an update to the Oregon Department of Veterans Affairs (ODVA) application signed last week.

Consent Calendar

Chair Lindsay removed the Retirement Plan Services Award to Business Items.

Commissioner Russell moved to approve the following items in the Consent Calendar:

1. *Accounts Payable, September 17th, \$213,229.27*
2. *Minutes: August 26th*

Commissioner Doherty seconded. Unanimous approval.

9:05 a.m. Public Hearing: To consider two requests for annexation into the Boardman Rural Fire Protection District; Order Number OR-2020-8: Ordering the Annexation of Territory to the Boardman Rural Fire Protection District

Chair Lindsay called for abstentions, conflicts of interest or ex parte contact.

Commissioner Russell said he has been on the Boardman Rural Fire Protection District (BRFPD) Board of Directors more than 25 years and been privy to the request but these were not conflicts of interest.

Chair Lindsay asked him to verify it was not a paid position, which he did, adding it doesn't materially affect the operations of BRFPD.

Commissioner Doherty said he tried, unsuccessfully, to visit with Alan Cleaver, but did visit with one of the Stahls but it would not affect his ability to address this in any way.

Chair Lindsay asked that everyone sign-in and explained how to offer testimony. She then called for the Staff Report.

County Counsel, Richard Tovey, said when BRFPD, as a special district, wants to annex property, there were several options but they required approval by the Board of Commissioners. In this case, the landowners' requests were first approved by BRFPD and then forwarded to the County for consideration at a Public Hearing. He said based on the documentation in the Agenda Packet request or anything the Commissioners will hear, a decision was anticipated today as to whether the properties should be annexed.

Planning Department GIS Planning Technician, Stephen Wrecsics, said the annexation was aligned with the current Community Wildfire Protection Plan (CWPP), which was updated in 2019 and available on the County website. He said one of the action items in the Plan was that lands around the Irrigon area be integrated into the BRFPD. He said BRFPD was a working member of the CWPP update and, as such, aware that people want the annexation to happen. He referred to the Rural Fire Protection Districts map in the Agenda Packet and said it was a fairly accurate representation that also showed areas not under a fire protection district. (As Mr. Wrecsics was attending via Zoom, he shared his screen and pointed out the specific areas not within a fire protection district, primarily farmland surrounding the Irrigon area.)

A brief discussion took place on the properties not within a fire protection district, but not included in this request. Commissioner Doherty said it would make sense for the fire protection district to reach out to those landowners to see if they want to be annexed.

Mr. Wrecsics described the land owned by the City of Irrigon not included in a fire protection district. He also mentioned areas within the County that are within fire districts out-of-county, such as South Gilliam County RFPD and Pilot Rock RFPD.

Tax rates and insurance ratings for the different fire protection districts were discussed.

Chair Lindsay called for proponents to speak; no response. She called for opponents to speak; no response. As there were no requests to continue the hearing, Chair Lindsay closed the hearing at 9:28 a.m. to deliberate.

Commissioner Doherty moved to allow the annexation of the property and sign the Order describing the boundaries of the land and declaring the land annexed to the district, Order No. OR-2020-8: In the Matter of Ordering the Annexation of Territory to the Boardman Rural Fire Protection District. Commissioner Russell seconded. Discussion: Commissioner Doherty suggested the Board's liaison to BRFPD, Commissioner Russell, reach out to the other adjoining landowners to see if they want to present the same request in an effort to "uncheckerboard" the map. Commissioner Russell said the request should come through the Irrigon RFPD. Mr. Wrecsics said in the last CWPP, BRFPD was willing to accept those lands and IRFPD never had a representative at the CWPP meetings. He reiterated the action item within the CWPP for Boardman to take on that land and said perhaps Boardman should be asked about this. Commissioner Russell said the land was now adjacent to BRFPD so they could do it. BRFPD and IRFPD have a good working relationship and he said he believed the two districts could

figure it out, however, it would take a willing landowner to be annexed into the district. Vote: Unanimous approval.

Business Items

Northeast Oregon Water Association (NOWA) Update

J.R. Cook, Director

Mr. Cook's update and PowerPoint presentation covered multiple topics, including a history of NOWA, NOWA's goals for the biennium, and a list of projects for which NOWA is soliciting donations. When the discussion turned to the NOWA invoice that will be taken up on next week's agenda, Mr. Cook said he planned to focus NOWA contributions on more regional efforts. The \$6,000 goes to water quality and permanent mitigation programs, rather than overhead, he explained. A brief question and answer session ensued.

NextEra/Wheatridge Strategic Investment Program (SIP) Agreement

Mike Gorman, Assessor/Tax Collector

David Lawlor, NextEra

Keleigh Wright, NextEra

Brian Faist, PGE

In the March 2019 Amended and Restated SIP Agreement signed by the County and Wheatridge Wind Energy, LLC/Wheatridge Solar Energy Center, LLC, Wheatridge Wind "shall cause to be installed and utilize an Aircraft Detection Lighting System (ADLS) on each wind tower..."

Mr. Lawlor's September 9th letter to the Assessor stated, "...The installation of the ADLS will be delayed beyond the Commercial Operation Date (COD)" which was estimated to occur in October 2020. The letter went on to say the installation of the ADLS was scheduled for the first quarter of 2021, but commissioning may go beyond the first quarter schedule. Mr. Lawlor asked in the letter for the County to confirm the SIP would not be impacted by the timing and installation of the ADLS.

Mr. Gorman said he consulted with County Counsel Justin Nelson and while the agreement contained no specific language or date as to when the ADLS had to be installed or operational, the intent was to have it operational at the time the project went online. He said NextEra/Wheatridge was having some issues with getting the system approved by the Federal Aviation Administration and it was his determination that as long as the ADLS was installed and operational by July 1, 2021, with FAA approval, then there would be no implications regarding the SIP exemption. He said he drafted a letter stating the same and asked for the Board's approval to send it. After discussion, the Board agreed to Mr. Gorman sending the letter.

Purchase Pre-Authorization Request, Sheriff's Office, Two All-Terrain Vehicles

Purchase Pre-Authorization Request, Sheriff's Office, Vehicle

Undersheriff John Bowles

Undersheriff Bowles said an Oregon State Parks grant was received for the purchase of the ATVs, which also require a 20% match by the County of \$1,860. He then reviewed the bids.

Commissioner Russell moved to approve the Purchase Pre-Authorization Request of two Polaris ATVs from Morrow County Grain Growers in the amount of \$9,300 (including trade-in of two 4-wheelers). Commissioner Doherty seconded. Unanimous approval.

Undersheriff Bowles requested to lock-in the pricing for a pickup to be paid for by the City of Heppner as part of its contract for law enforcement services.

Commissioner Doherty moved to approve the Purchase Pre-Authorization Request for a 2021 Ram 1500 SSV Crew Cab 4x4, \$28,886.57 (not including cost of outfitting) and authorize Undersheriff Bowles to lock-in pricing and order the vehicle. Commissioner Russell seconded. Unanimous approval.

Morrow County Government Command Center Update

Undersheriff Bowles provided the latest COVID statistics and noted the fifth death occurred in the County. Discussion also took place on the fires on the west side of the state and Undersheriff Bowles briefly reviewed some of the evacuation plans for this area.

Letter to the Governor Requesting Phase II Opening

Chair Lindsay said after multiple conversations with leadership at the Oregon Health Authority, she drafted a letter to the Governor for the Board's consideration.

Commissioner Russell moved to formally request, by letter, to be placed back into Phase II. Commissioner Doherty seconded. Discussion: Commissioner Doherty: It's been suggested we've acted in a partisan fashion over the last while with our State administration and I take exception to that. If it was a Republican administration taking our COVID/CARES funds and changing the goal posts and not being consistent, I would call them out as well. We're a non-partisan commission looking out for our constituents. If they were completely and 100% consistent all the time, I'd be okay with it, but when they start being inconsistent, we've got to push back. I know Umatilla County pushed back really hard and we tried to be genial, but with Umatilla County it was a "squeaky wheel gets the grease" situation and I was truly discouraged but happy for them. You've got to be consistent in whatever you're doing, I don't care who the administration is, state, federal, county, whatever. Chair Lindsay said Commissioner Doherty's points were valid. She said she pointed the inconsistencies out during last Friday's conversation with the State. She said she's told her fellow commissioners that our conversations with the State were productive and we're working together and she and the whole team, felt nothing short of a slap in the face when Friday rolled out the way it did with the efforts we had put in. The trends that we were showing...and then someone yelled a lot louder than we did and got a change. I think we continue to fight as a commission and I think our constituents expect us to. Public Health is pointing out that we are in a downward trend and people are working harder. We need to give our people hope, yes, keep it up, you're doing a great job and here's the reward. Vote: Unanimous approval.

Chair Lindsay said if the Governor denies the request to return to Phase II, a second letter, drafted by Commissioner Doherty, could be sent requesting additional funding. She also said by the State's data, Morrow County was in the top three, but when calculated by population,

Morrow County received the lowest money, the things don't come together. She added Morrow County has the lowest unemployment rate because we have the most essential workers.

Commissioner Doherty said our neighbors to the east got \$7.5 million when they had some challenges and then pushed the administration and got another \$4.5 million. Morrow County leads the way, in some respects, because we feed Oregon, and we're getting beat up because a lot of people are working. We lead the State in essential workers per capita, which is hugely important to the discussion.

Commissioner Russell said we have large employers for the size and population of the County. We have large farms in the middle of harvest season and it's tough to get those essential jobs done without people being in close proximity to one another. He said he wasn't saying our industries weren't working hard to avoid the problems because he knew they were. The nature of our economy makes it ripe for us to be in the position we're in, he concluded.

Commissioner Doherty said even if the County gets some relief, we should still ask for more funds in a separate ask of some type.

Commissioner Doherty moved to approve the second letter but have it held until an answer is received and it doesn't go out until Friday. Commissioner Russell seconded. Unanimous approval.

Award Retirement Plan Services Request for Quotes

Last week, Chair Lindsay requested additional time to review the materials from the four vendors. She said she reviewed the presentations and then asked a few questions of Finance Director Kate Knop.

Commissioner Doherty moved to approve the Retirement Plan Service Vendor for the Defined Contribution Plan – Edward Jones, Cassandra Williams. Commissioner Russell seconded. Vote: Aye: Commissioner Russell and Commissioner Doherty. Nay: Chair Lindsay. Motion carried.

Fair Board Appointment Request

Ann Jones, Fair Secretary

Ms. Jones said there were three vacancies on the Fair Board and then explained the recruitment efforts undertaken.

Commissioner Russell moved to appoint Braxton Adams to the vacant position that has a current term end date of December 31, 2020 but have his term be effective upon approval through December 31, 2023. Commissioner Doherty seconded. Unanimous approval.

Juvenile Department Contract with Made to Thrive

The contract ensures Made to Thrive will use the funds for wrap-around and mentoring services. The funds come from the Oregon Department of Education, Youth Development Division, for Juvenile Crime Prevention.

Commissioner Doherty moved to approve the contract between the Morrow County Juvenile Department and Made to Thrive. Term to be July 1, 2019 through June 30, 2021, contingent upon availability of State funding. Amount to be up to \$26,000 for each fiscal year, 2019-2020 and 2020-2021; and authorize Chair Lindsay to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Award Bid and Contract for Janitorial Services

Sandi Pointer, Public Works

Ms. Pointer explained one bid was submitted after a Request for Proposals was issued and a panel of six County employees subsequently reviewed the bid. The proposal was over the budgeted amount for the year, but Ms. Pointer said she planned to present the difference to the Budget Committee.

Commissioner Russell moved to award the bid to Patriot Building & Grounds Maintenance and sign the contract in the amount of \$98,935.20. Effective date when signed by all parties (September 16, 2020) for a one-year period beginning September 9, 2020 ending September 9, 2021, with an option for renewal at that time. Contractor and County agree to a performance review at six months. Commissioner Doherty seconded. Unanimous approval.

Irrigon Building Update

Mr. Green said the team was preparing to look at subcontractors for furniture and furnishings, drywall, painting, etc. They also have been wrapping up the audio/visual items for the building, he said.

Commissioner Russell said the City of Irrigon will be signing-off on the 20' wide alleyway parcel that will be deeded back to the County.

Correspondence

- Email to Chair Lindsay from Nadine McCrindle, Executive Director of the Central & Eastern Oregon Chapter of the American Red Cross, in which she outlines how to make a financial contribution to help Oregonians displaced by the wildfires, and how to become a volunteer.
- PowerPoint presentation: Oregon Department of Veterans Affairs Agency Overview, Association of Oregon Counties Retreat, September 10, 2020.

Commissioner Reports

- Commissioner Doherty said he and Umatilla County Commissioner Bill Elfering went to the Hermiston Armory yesterday as National Guard soldiers gathered there prior to being sent out to assist with the fires in the western part of the State. He said soldiers arrived from all over the Pacific Northwest, including quite a few from Morrow County. He said it was a very special day and each soldier he spoke to said they had been waiting, and wanted, to help.
- Commissioner Russell said PGE requested a meeting with the County, City of Boardman and the Port of Morrow. The Board committed to a virtual meeting date of October 12th at 5:30 p.m.

- Chair Lindsay said last week's County Application for ODVA Funds form was revised to include \$26,159 in the County Funds line. Commissioner Russell and Commissioner Doherty agreed with Chair Lindsay signing and submitting the revised form.

Cancelled:

Executive Session: Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions

Signing of documents

Adjourned: 12:15 p.m.

DRAFT



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
5b

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Tamra Mabbott
Department: Planning
Short Title of Agenda Item:

Phone Number (Ext): 5505
Requested Agenda Date: October 28, 2020

(No acronyms please)

Letter (2) to Energy Facility Siting Council for Site Certificate
Amendments

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other Approve Letters

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Tamra Mabbott October 23, 2020 Department Director

Required for all BOC meetings

[Signature] DATE Administrator

Required for all BOC meetings

DATE County Council

*Required for all legal documents

DATE Finance Office

*Required for all contracts; other items as appropriate.

DATE Human Resources

*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Council, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Oregon Office of Energy provided notice and an opportunity to comment on two proposed Site Certificate Amendments.

- 1) Carty Generation Station, Request for Comments on the Complete Request for Amendment 2 and Draft Proposed Order; and
- 2) Wheatridge II, Request for Comments on application to amend Site Certificate

2. FISCAL IMPACT:

not known, unless the change affects the Strategic Investment Plan agreement with county.

3. SUGGESTED ACTION(S)/MOTION(S):

Approve letters.

Attach additional background documentation as needed.

PUBLIC NOTICE

Carty Generation Station

Request for Comments on the Complete Request for Amendment 2 and Draft Proposed Order

Date Notice Issued: October 2, 2020

Request: Portland General Electric Company (certificate holder) seeks Energy Facility Siting Council (Council) approval of a second amendment to the Carty Generation Station (facility) site certificate to incorporate existing infrastructure shared by the facility and Boardman Coal Plant; modify the site boundary; and, construct and operate new related or supporting facilities. Request for Amendment 2 (RFA2) also seeks Council approval to amend conditions associated with its Water Pollution Control Facility (WPCF) permit, a permit governed by the site certificate, and other site certificate conditions.

Facility Location: Morrow County (existing) and Gilliam County (proposed)

Type B Amendment Review: This amendment request is being processed under Type B review which, in accordance with Oregon Administrative Rule (OAR) Chapter 345, Division 27, does not include a public hearing or opportunity for contested case proceeding.

A written public comment period is now open on the complete Request for Amendment 2 (RFA2) and the Draft Proposed Order on RFA2.

Comment Deadline: November 2, 2020 (5:00 PST)

Consolidated Permit Review: The amendment request includes an amendment to a WPCF permit, issued by Oregon Department of Environmental Quality (DEQ), a permit governed by the site certificate. Comments normally provided to DEQ during their review of a WPCF permit application or amendment request should be provided in response to this notice. (See notice contents pursuant to OAR 340-045-0027(4) provided as **Attachment 1** of this notice).

Description of Facility (Operational/Approved): Carty Generating Station is a 500 megawatt (MW) natural gas and solar energy facility, including an

operational 450 MW combustion turbine generator and 50 MWs of approved not yet constructed solar photovoltaic components (Carty Solar Farm), which must begin construction by February 2022 and complete construction by February 2025.

Existing Facility Location: The Carty Generating Station is located within an approximately 1,581 acre site boundary, approximately 13 miles southwest of the City of Boardman in Morrow County. The facility is adjacent to the Boardman Coal Plant. A map of the facility and proposed amended site boundary is provided as an attachment to this notice. For detailed maps, please see Figures 1 through 4 of RFA2 available on the [Department's website](#), or visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

Proposed Changes in Request for Amendment 2: Facility modifications proposed in RFA2 include incorporation of existing common infrastructure shared by the facility and Boardman Coal Plant (BCP) including the 500 kilovolt (kV) Grassland to Slatt transmission line, Carty Reservoir, water discharge channel, sanitary sewer lagoons, Boeing well and pump; and, modify site boundary to extend into Gilliam County and incorporate the following existing BCP facility components into the site certificate: Construction substation, fire water tank, 230 kV Dalreed transmission line, 34.5 kV BCP railroad crossing at Tower Road transmission line, 12 kV underground distribution line, 480-volt underground distribution line, two evaporation ponds, irrigation pump station, 34.5 kV underground transmission line; and, construct and operate the following components: septic system, water pipeline, wastewater pipeline, security guard station, office and warehouse space, and a 230 kV substation (Carty substation).

This amendment request is related to the pending shutdown of the adjacent BCP, scheduled to occur by end of 2020.

Comment Period: Written comments on RFA2 and the Draft Proposed Order must be received by the Oregon Department of Energy (ODOE) by 5 p.m. PST on November 2, 2020, and must be submitted in writing by mail, email or faxed per below:

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301
Email: chase.mcveigh-walker@oregon.gov
Fax: 503-373-7806

To raise an issue on the record of the Draft Proposed Order on RFA2, a person must raise the issue in a written comment received by ODOE before the comment deadline.

The Council will not accept or consider public comments on RFA2 or on the Draft Proposed Order after the written comment deadline that closes the record on the Draft Proposed Order.

Please note: All comments submitted to ODOE may be disclosed to the public, subject to Oregon Public Records Laws (ORS Chapter 192). Public comments may be available on the ODOE webpage for the Carty Generating Station as an attachment to the Proposed Order.

Comment submission does not register your contact information to receive future notices. If you would like to receive notices for this facility or any other EFSC facility, and have not already done so, please follow the information in this notice to subscribe to the ClickDimensions email notification list.

EFSC Review Process: The amendment request is being processed as a "Type B" amendment, per OAR 345-027-0368 and -0372. After ODOE has considered all comments received before the comment deadline for the Draft Proposed Order, as described in this notice, ODOE will issue a Proposed Order. The Proposed Order shall recommend approval, modification, or denial of the second amended site certificate. ODOE will issue, concurrently, a notice of the Proposed Order and the Proposed Order.

EFSC, may adopt, modify or reject the proposed order based on the considerations described in OAR

345-027-0375. In a written final order, EFSC shall either grant or deny issuance of an amended site certificate.

For more information relating to EFSC standards, please visit:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

Receipt of this Notice: Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility is located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Carty Generating Station. If you wish to be removed from this mailing list, please contact Chase McVeigh-Walker.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to Carty Generating Station or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information: Please contact Chase McVeigh-Walker, Senior Siting Analyst, at the phone, email address or mailing address listed in this notice.

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301
Email: chase.mcveigh-walker@oregon.gov
Phone: 503-934-1582

More information about the facility and updates on the review process is available using any of the following options.

- 1) **Oregon Department of Energy's webpage:** More details on Carty Generating Station, including the certificate holder's Request for Amendment 2, Type B Review Amendment Determination Request (Type B Review ADR), Department Determination on Type B Review ADR, and Draft Proposed Order are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CGSaspx>

Additional resources to help you participate in the state siting process can be found at:

<http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>

2) Updates by email/mail:

Subscribe to ClickDimensions, a self-managed, automated email system that sends notices and updates on Carty Generating Station as well as any or all other energy facilities and events under EFSC jurisdiction. For more information, please visit:

<https://tinyurl.com/ODOE-EFSC>.

To receive notices by U.S. Mail, please contact Chase McVeigh-Walker.

3) In hardcopy:

Hard copies of Request for Amendment 2 and the Draft Proposed Order on RFA2 are available for public inspection at:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Chase McVeigh-Walker if you wish to arrange a time to inspect the request to transfer.

Accessibility information:

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Michiko Mata at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to michiko.mata@oregon.gov.

ATTACHMENT 1:

PUBLIC NOTICE FOR WATER POLLUTION CONTROL FACILITIES PERMIT MODIFICATION

Request for Comments on Portland General Electric Company's Water Pollution Control Facilities Permit Modification for the Carty Generation Station

The Oregon Department of Energy (ODOE) and Oregon Department of Environmental Quality (DEQ) invite the public to provide written comments on a proposed modification to a Water Pollution Control Facilities (WPCF) Permit.

Summary

Portland General Electric Company (PGE or permittee) currently operates a 450 megawatt natural-gas fired energy generation facility (Carty Generating Station) and the Boardman Coal Plant, a coal fired plant to be decommissioned, located at 73334 Tower Road in Boardman, Oregon. PGE maintains a WPCF Permit for these energy facilities, in accordance with OAR 340 Chapter 045, for the management, storage, reuse, disposal, and treatment of industrial process wastewater and sanitary wastewater

WPCF Permit #100189 was issued on May 2, 2013 with an April 30, 2023 expiration date. The permit was subsequently modified via permit action letter on November 4, 2015 to align the permit with EPA's new Coal Combustion Residuals (CCR) Rules. Addendum #1 to the permit was issued and became effective January 24, 2019 which allowed the disposal of solar panel wash water. Since the permit was last renewed in 2013, DEQ has documented one violation for failure to monitor pH in two of the lined evaporation ponds and failure to monitor one pH sample during irrigation withdrawal as required—the facility was issued a Warning Letter for the missed pH monitoring and documented a return to compliance.

DEQ has not received any complaints since the permit was last issued.

PGE requests to modify the WPCF Permit to authorize disposal of turbine rinse water and to edit several other written permit conditions related to the closure of the Boardman Coal Plant to align with the future operations of the Carty Generation Station. The WPCF permit modification is under

review through ODOE and the Energy Facility Siting Council's site certificate amendment process.

Where can I get more information?

DEQ relied on information submitted by PGE in its August 17, 2020 written request for permit modification. To view information about this proposed permit action, including the request, permit evaluation report and underlying documents, contact Patty Isaak to make an appointment to review the documents:

Patty Isaak, Permit Coordinator
Oregon DEQ
Eastern Region - Pendleton Office
800 SE Emigrant, Suite 330
Pendleton, OR 97801
Fax: 541-278-0168
Email: Isaak.Patty@deq.state.or.us

How do I participate?

You may submit your comments by 5 p.m. on November 2, 2020 by mail, fax or email to:

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol St. N.E.
Salem, OR 97301
Email: Chase.McVeigh-Walker@oregon.gov
Fax: 503-373-7806

DEQ and ODOE will jointly review any comments submitted on the WPCF modification documents.

About the facility

The Carty Generation Station maintains an existing WPCF Permit allowing disposal of industrial and domestic wastewater using Carty Reservoir, a wastewater pond, and through seepage and evaporation. The WPCF Permit also authorizes and regulates wastewater and ash disposal.

ATTACHMENT 1:

PUBLIC NOTICE FOR WATER POLLUTION CONTROL FACILITIES PERMIT MODIFICATION

What types of pollutants does the permit regulate?

The proposed modification to the WPCF Permit includes a condition that allows disposal of turbine rinse water into Carty Reservoir based on submitted analytical results in addition to the biodegradable cleaner data sheet. The permit also regulates sewage disposal to the sanitary wastewater ponds and process wastewater ponds at the site.

How did DEQ determine the requirements of the proposed WPCF modification?

DEQ evaluates types and amounts of pollutants and the facility's location, and determines permit requirements according to state and federal regulations.

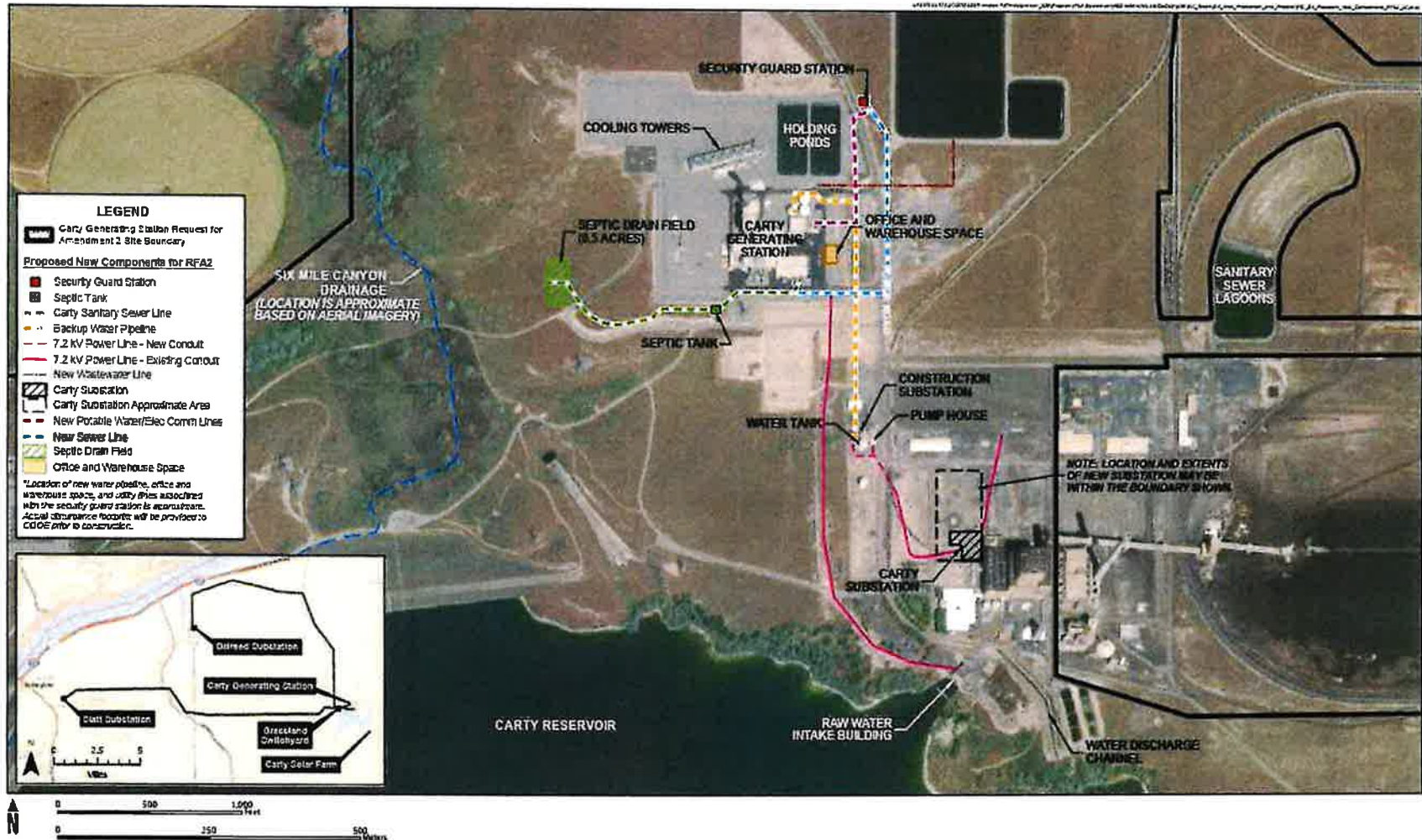
How does DEQ monitor compliance with the permit requirements?

Environmental monitoring is required. The permittee must demonstrate compliance with permit requirements and conditions through the Energy Facility Siting Council site certificate process.

What happens after the public comment period closes?

ODOE and DEQ will consider and respond to all comments received and may edit the proposed modification to the permit based on comments.

Figure 1: Carty Generation Station Regional Location and Location of Proposed Facility Modifications



PUBLIC NOTICE



Wheatridge Renewable Energy Facility II

Request for Comments on Request for Amendment 1 and Draft Proposed Order

Summary

Date Notice Issued: October 12, 2020

Amendment Request: Wheatridge Wind II, LLC seeks approval to split 550 megawatts (MW) of previously approved wind and solar facility components and site boundary into three facilities, under individual site certificates, resulting in an amended and two new site certificates.

Facility Location (Existing): Morrow and Umatilla counties

Type B Amendment Review: This amendment request is being processed under Type B review which, in accordance with Oregon Administrative Rule (OAR) Chapter 345, Division 27, does not include a public hearing or opportunity for contested case proceeding.

Written Comment Deadline: November 6, 2020 (5:00 p.m. PST)

Description of Facility (Under Construction/Approved): The Wheatridge Renewable Energy Facility II is approved to include up to 550 MW of wind and solar energy facility components within a 12,432 acre site boundary expanding across Morrow and Umatilla counties. The facility is approved to be developed in phases. The first phase, currently under construction, includes 200 MW of wind energy facility components (80 wind turbines and related or supporting facilities) in Morrow County, with commercial operation anticipated in late October 2020. Approved facility components not yet constructed include 200 MW of wind energy facility components (up to 66 wind turbines) and 150 MW of solar facility components (use or occupy up to 900 acres), or any combination of wind and solar facility components not exceeding 350 MW. Remaining approved wind facility components must be constructed by May 2023; solar facility components must be constructed by November 2025.

Description of Requested Amendment:

Wheatridge Wind II, LLC (certificate holder) seeks Energy Facility Siting Council (Council) approval of an amendment to the Wheatridge Renewable Energy Facility II (WREFII) site certificate. Request for Amendment 1 (RFA1) seeks Council approval to split 550 megawatts (MW) of previously approved wind and solar facility components and site boundary into three facilities, under individual site certificates, resulting in an amended and two new site certificates.

The three facilities would include WREFII as a 200 MW wind facility within a 7,850 acre site boundary in Morrow County - under existing certificate holder ownership; Wheatridge Renewable Energy Facility III (WREFIII) would be a 150 MW solar facility within a 2,294 acre site boundary in Morrow County - under new certificate holder ownership, Wheatridge Solar Energy Center, LLC; and, Wheatridge Renewable Energy Facility East (WREFE) would be a 200 MW wind facility within a 4,582 acre site boundary in Umatilla and Morrow counties - under new certificate holder ownership, Wheatridge Wind East, LLC.

The new certificate holders for WREFIII and WREFE are wholly-owned subsidiaries of the existing certificate holder owner, NextEra Energy Resources, LLC. WREFII and WREFIII would share related or supporting facility components; all three facility would have areas of overlapping site boundaries.

Facility Location (Existing and Proposed): The existing WREFII site boundary extends across Morrow and Umatilla counties, south of Interstate 84 and northeast of Lexington. The proposed amended WREFII and WREFIII site boundaries would be located entirely in Morrow County, bisected by Oregon Highway 207, approximately 5 miles northwest of Lexington and 7 miles northwest of Heppner. The proposed amended WREFE site boundary would extend across Morrow and Umatilla counties, with wind facility components located in Umatilla County, approximately 16 miles northwest of Heppner, and a transmission line corridor extending from the wind facility components in Umatilla County to the WREFII

collector substation in Morrow County. Maps presenting the proposed amended site boundaries and regional location of WREFII, WREFIII and WREFE are provided at the end of this notice. For detailed maps, please see Figures 1 through 4 in RFA1 on the Department's website at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WREF-II.aspx>, or visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

Comment Period: Written comments on RFA1 and the Draft Proposed Order must be received by the Oregon Department of Energy (ODOE) **by 5 p.m. PST on November 6, 2020** and must be submitted in writing by mail, email or faxed per below:

Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301
Email: sarah.esterson@oregon.gov
Phone: 503-373-7945
Fax: 503-373-7806

To raise an issue on the record of the Draft Proposed Order on RFA1, a person must raise the issue in a written comment received by ODOE before the comment deadline.

The Council will not accept or consider public comments on RFA1 or on the Draft Proposed Order after the written comment deadline that closes the record on the Draft Proposed Order.

Please note: All comments submitted to ODOE may be disclosed to the public, subject to Oregon Public Records Laws (ORS Chapter 192). Public comments may be available on the ODOE webpage for WREFII as an attachment to the Proposed Order.

Comment submission does not register your contact information to receive future notices. If you would like to receive notices for this facility or any other EFSC facility, and have not already done so, please follow the information in this notice to subscribe to the ClickDimensions email notification list as described on Page 3.

EFSC Review Process: The amendment request is being processed as a "Type B" amendment, per OAR 345-027-0368 and -0372. After ODOE has considered

all comments received on or before the November 6, 2020 comment deadline for the Draft Proposed Order, as described in this notice, ODOE will issue a Proposed Order. The Proposed Order shall recommend approval, modification, or denial of the amendment request. ODOE will issue, concurrently, a notice of the Proposed Order and Proposed Order.

EFSC, may adopt, modify or reject the proposed order based on the considerations described in OAR 345-027-0375. In a written final order, EFSC shall either grant or deny issuance of an amended and two original site certificates.

For more information relating to EFSC standards, please visit:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

Receipt of this Notice:

Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility (existing and proposed) site boundaries are located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Wheatridge Wind Energy Facility or Wheatridge Renewable Energy Facility II. If you wish to be removed from this mailing lists, please contact Sarah Esterson.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to the Wheatridge Wind Energy Facility or Wheatridge Renewable Energy Facility II or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information: Please contact Sarah Esterson, Senior Siting Analyst, at the phone, email address or mailing address or phone number listed in this notice.

More information about the facility and updates on the review process is available using any of the following options.

- 1) Oregon Department of Energy's webpage:** More details on Wheatridge Renewable Energy Facility II, including RFA1 and the Draft Proposed Order are available online at:
<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WREF-II.aspx>.

Additional resources to help you participate in the state siting process can be found at:
<http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>

- 2) Updates by email/mail:** Subscribe to ClickDimensions, a self-managed, automated email system that sends notices and updates on Wheatridge Renewable Energy Facility II as well as any or all other energy facilities and events under EFSC jurisdiction. For more information, please visit: <https://tinyurl.com/ODOE-EFSC>.

To receive notices by U.S. Mail, please contact Sarah Esterson.

3) In hardcopy:

Hard copies of RFA1 and the Draft Proposed Order on RFA1 are available for public inspection at following location at no cost. Hard copies will be provided at reasonable cost upon request to the Department:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Sarah Esterson if you wish to arrange a time to inspect RFA1 or the Draft Proposed Order.

Accessibility information:

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Michiko Mata at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to michiko.mata@oregon.gov.

Figure 1: Proposed WREFII Site Boundary

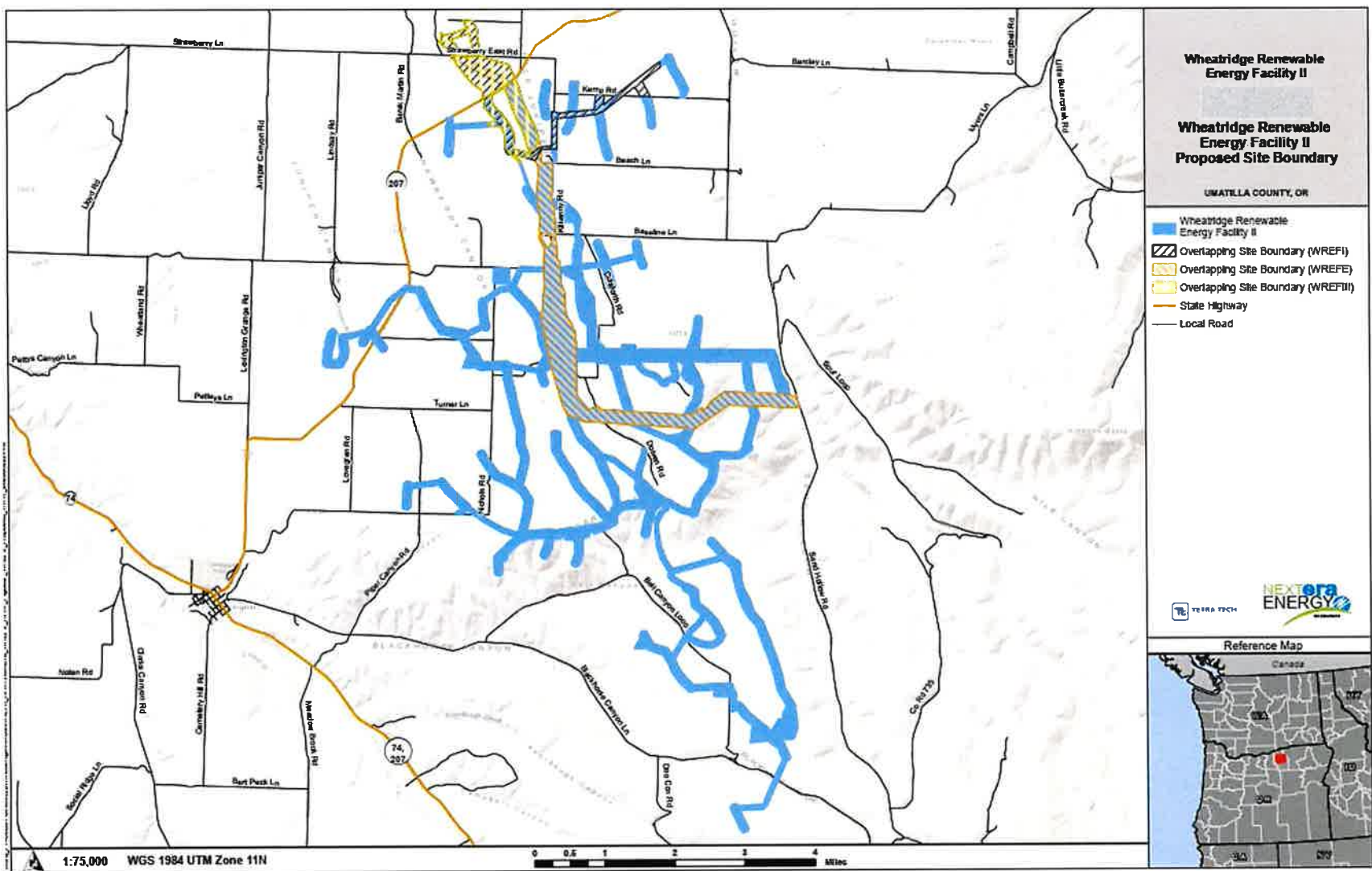
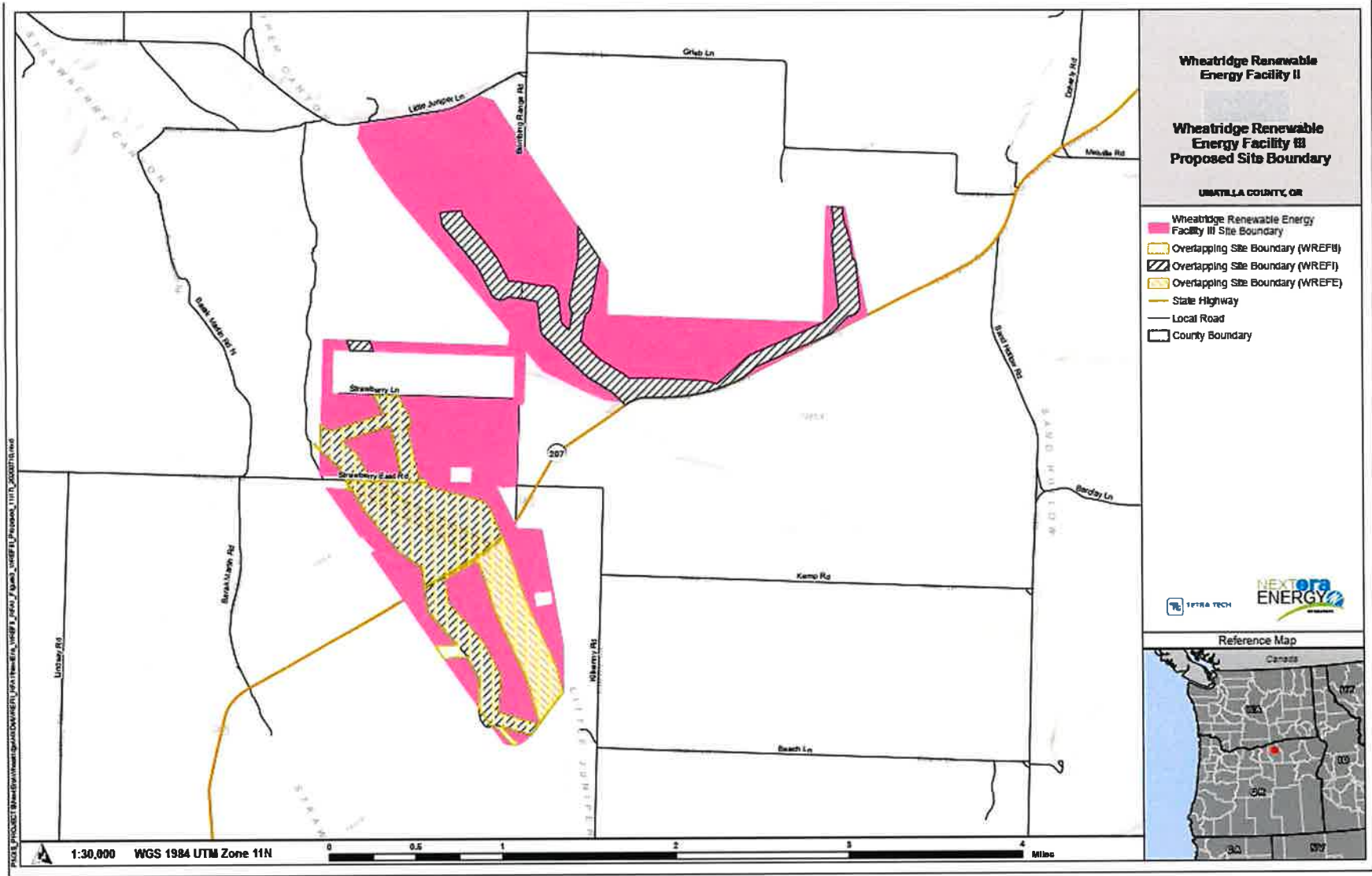


Figure 2: Proposed WREFIII Site Boundary



October 28, 2020

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301

RE: Carty Generating Facility Request for Amendment 2 and Draft Proposed Order

Dear Mr. McVeigh-Walker,

Morrow County appreciates the opportunity to comment on the Carty Generating Station's Request for Amendment 2 (RFA2) and the Draft Proposed Order. It is our understanding that Amendment 2 would incorporate existing common infrastructure shared by the facility and Boardman Coal Plant (BCP) including, but not limited, to a 500 kilovolt (kV) transmission line, the Carty Reservoir, water discharge channel, and sanitary sewer lagoons. RFA2 would also modify the site boundary, extending west into Gilliam County, and incorporate existing BCP facility components. The BCP components include: a 230 kV transmission line, a 34.5 kV transmission line, a 12 kV underground distribution line, 480-volt underground distribution line, two evaporation ponds, irrigation pump station, and a 34.5 kV underground transmission line. The Amendment request also includes the construction and operation of the following components: septic system, water pipeline, wastewater pipeline, security guard station, office and warehouse space, and a 230 kV substation (Carty substation).

This Amendment request (RFA2) would result in a project that is different than uses permitted in existing Conditional Use Permits which were issued in 1975 and 2013. Therefore, the applicant would be required to obtain new or revised Conditional Use Permits. Additionally, prior to the construction of any structure, the applicant would need to obtain a Zoning permit for each parcel upon which the construction will take place. Please include these local permit requirements in the amended Site Certificate.

As always, Morrow County appreciates the opportunity to coordinate with you and other Department staff. Should you have any questions about this comment letter, or need additional

information, please do not hesitate to contact Tamra Mabbott, Planning Director, (541) 922-4624 X5505.

Sincerely,

Melissa Lindsay

Don Russell

Jim Doherty

Cc: Tamra Mabbott, Morrow County Planning Director
Matt Scrivner, Morrow County Public Works Director
Kate Knop, Morrow County Finance Director

October 28, 2020

Sara Esterson, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301

RE: Wheatridge Renewable Energy Facility II Request for Amendment 2

Dear Mrs. Esterson,

Morrow County appreciates the opportunity to comment on the Wheatridge Renewable Energy Facility II (WREF II) Request for Amendment 2 (RFA2). It is our understanding that RFA2 seeks Energy Facility Siting Council (EFSC) approval to split the approved Wheatridge II facility components and site boundary into three facilities, each with its own site certificate. The facilities would include WREF II, Wheatridge Renewable Energy Facility III (WREF III), and Wheatridge Renewable Energy Facility East (WREF E). WREF II would include 200 megawatts (MW) of wind generating components within Morrow County; WREF III would include 150 MW of solar facility components in Morrow County; and, WREF E would include 200 MW of wind generating components in Umatilla County. The certificate holder for WREF II would remain as Wheatridge Wind II, LLC; the certificate holders for WREF III and WREF E would be wholly owned subsidiaries of NextEra Energy Resources, the current parent company of WREF II. The amendment request seeks Council approval of Wheatridge Solar Energy Center, LLC as the WREF III certificate holder and Wheatridge East, LLC as the WREF E certificate holder.

The amended Site Certificate will likewise require an amended Conditional Use Permit for each facility being created under RFA2, in order that the local land use permits match the projects and project boundaries. A Zoning Permit will also be required for each individual tax lot within the project boundary.

Additionally, we request that each facility secure a Road Use Agreement from Matt Scrivner, Morrow County Public Works Director.

As always, Morrow County appreciates the opportunity to coordinate with you and other Department staff. Should you have any questions about this comment letter, or need

additional information, please do not hesitate to contact Tamra Mabbott, Planning Director, (541) 922-4624 X5505.

Sincerely,

Melissa Lindsay

Don Russell

Jim Doherty

Cc: Tamra Mabbott, Morrow County Planning Director
Matt Scrivner and Sandra Pointer, Morrow County Public Works
Kate Knop, Morrow County Finance Director



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
50

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Diane Kilkenny
Department: Morrow County Health Department
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): 541-676-5421
Requested Agenda Date: 10/28/2020

Memorandum of Understanding with Community Based Organizations

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time: 5-10 minutes
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity: Community Based Organization, Euvalcree
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: N/A No Financial Transaction Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:
Diane Kilkenny 10/22/2020 Department Director Required for all BOC meetings
[Signature] 10/26/2020 Administrator Required for all BOC meetings
J. Nelson email 10-22-20 County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate
*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Oregon Health Authority, OHA, provided grants to Community Based Organizations ,CBOs, to provide contact tracing, wrap around services and education & outreach. CBOs bill the OHA for food, housing, hotel rooms, monitoring persons in quarantine, and any other services provided. These services are based on referrals from the local health department. MOUs with CBOs are required for wrap around services and contact tracings. Currently only three CBOs have recieved grants from OHA to serve Morrow County; Euvalcree, Doulas Latinas International, and OCDC-Migrant Head Start and Preschool. Euvalcree provides contact tracing and wrap around services and Doulas Latinas provides wrap around services, community outreach and education. OCDC only provides outreach and education and is not requiring a MOU.

2. FISCAL IMPACT:

N/A

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve the MOU with Euvalcree and MOU with Doulas International

Attach additional background documentation as needed.

**MEMORANDUM OF UNDERSTANDING (MOU) REGARDING
COMMUNITY ENGAGEMENT, EDUCATION, SUPPORT AND OUTREACH FOR
ACTIVE SURVEILLANCE OF COVID-19 CASE CONTACTS**

I. PARTIES

The parties to this MOU are Euvalcree, a Community Based Organization (CBO), and Morrow County Health Department, the Local Public Health Authority (LPHA).

II. DEFINITIONS

For purposes of this MOU:

- “Contact or contacts” means individuals who have been identified as having had a substantial exposure to an individual with COVID-19.

III. BACKGROUND

On March 8, 2020, the Governor issued Executive Order (EO) 20-03, declaring a state of emergency due to the public health threat posed by the novel infectious coronavirus disease (COVID-19). On May 1, 2020, the Governor extended the declaration of emergency (EO 20-24).

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

As the state moves to re-open, the identification of contacts and quarantine and support for contacts is crucial to help contain the spread of COVID-19.

Communities of color are disproportionately affected by COVID-19. It is important that the active surveillance and support of contacts be carried out in a manner that is culturally and linguistically responsive to meet the needs of communities most impacted by racism and oppression or other circumstances caused or exacerbated by toxic stress, trauma, intergenerational trauma and the social determinants of equity like mental health, substance use, job loss, housing and food and nutrition. Communities may also be experiencing stigma related to misinformation about the source and spread of COVID-19.

CBO has entered into a grant agreement with the Oregon Health Authority (OHA) to provide culturally and linguistically responsive services, including community engagement and education, contact tracing, social services and wraparound supports for cases and contacts.

LPHA must, pursuant to its financial assistance agreement with OHA, partner with CBOs in its jurisdiction to ensure the cultural and linguistic needs of cases and contacts in the community are met.

IV. PURPOSE

The purpose of this MOU is to establish the responsibilities of the CBO and LPHA with regard to community engagement, education and outreach activities, contact tracing, if applicable, and social services and wraparound supports for the communities served by both the CBO and the LPHA, and to coordinate these responsibilities to ensure that the needs of cases and contacts are being met. The parties agree to work cooperatively and shall communicate timely and effectively.

V. AGREEMENT

A. LPHA Responsibilities

1. Subject to federal and state law, provide to the CBO the information necessary for the CBO to meet its responsibilities under its grant agreement with OHA.
2. Refer, as LPHA deems appropriate and necessary, individuals identified as contacts to CBO for contact tracing.
3. Refer, as LPHA deems appropriate and necessary, individuals to CBOs for wraparound services and supports as needed and identified through case investigation and/or contact tracing.
4. Provide an LPHA point of contact with whom CBO may coordinate and communicate, including a seven day a week and holiday contact.
5. Work with the CBO to develop referral workflows for contact tracing and/or wraparound services.
6. Notify OHA if CBO is unable or unwilling to fulfill obligations under this MOU.

B. CBO Responsibilities

1. For community engagement, education and outreach, engage in regular coordination with LPHA about where the community can access services like testing, health care and social services.
2. Provide a CBO point of contact with whom LPHA may coordinate and communicate.
3. For contact tracing, timely contact all identified contacts received from the LPHA and comply with all requirements of its grant agreement with OHA.
 - CBO will work with LPHA to develop joint referral workflows for contact tracing.
 - Under the grant agreement with OHA the CBO has agreed to perform persons under monitoring seven days per week, including holidays.
 - CBO will contact referrals from LPHA within 24 hours of notification.
 - CBO will document results of persons under monitoring for each individual assigned to them daily.
 - CBO will communicate with LPHA if contact cannot be reached after three attempts.

- CBO will contact the LPHA immediately if a contact reports symptom consistent with COVID-19.
 - CBO will provide documentation related to contact tracing to the LPHA if requested and not already provided.
4. For social services and wraparound supports, timely provide the necessary case management and other activities identified in the CBO's grant agreement with OHA for all identified contacts received from the LPHA.
 - CBO will work with LPHA to develop joint referral workflows for wrap around services.
 - CBO will be available to support wraparound services seven days per week, including holidays.
 - CBO will contact referrals from LPHA within 24 hours for isolation and quarantine support.
 - CBO will communicate with LPHA if a contact cannot be reached after three attempts.
 - CBO will provide documentation related to social service/wraparound supports to the LPHA if requested and not already provided.
 5. CBO shall not engage in political or religious activities while performing services related to this MOU.
 6. CBO shall provide any documentation related to work performed by CBO related to this MOU in LPHA county upon request by LPHA.
 7. CBO will not share information about contact tracing or wraparound services with the public or the media without prior consent of the LPHA.
 8. Develop, implement and maintain reasonable safeguards to protect information security and confidentiality. CBO must immediately notify LPHA if any electronically stored information or written documentation that contains personal information, as defined by statute, has been subject to a security breach.
 9. Notify OHA if LPHA is unable or unwilling to fulfill obligations under this MOU.
 10. CBO will not seek funding for work from LPHA for work performed under the CBO Grant Agreement with OHA.

VI. GENERAL TERMS

- A. This MOU shall become effective when fully executed and shall remain in effect until terminated by one or both of the parties in writing.
- B. This MOU may be amended by written agreement of all participating agencies.
- C. No person shall be denied or subjected to discrimination in receipt of the benefits of any services on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age or marital status.
- D. Each party shall be responsible for its own acts and inaction and agrees, subject to the Oregon Constitution and Oregon Tort Claims Act, to defend the other party for its

own negligent performance, willful misconduct or failure to perform any obligation related to the MOU.

VI. TERMINATION

- A. Mutual Agreement: This MOU may be terminated at any time with mutual written agreement by both parties.
- B. Single Party Termination: Either party may terminate this MOU upon 30 days' written notice to the other party.
- C. Expiration of Agreement: If the MOU is not terminated by mutual or single party termination, the agreement shall expire October 28, 2023. The MOU may be extended if agreed to by both parties prior to expiration.

CBO Signatory

Date

LPHA Signatory

Date

**MEMORANDUM OF UNDERSTANDING (MOU) REGARDING
COMMUNITY ENGAGEMENT, EDUCATION, SUPPORT AND OUTREACH FOR
ACTIVE SURVEILLANCE OF COVID-19 CASE CONTACTS**

I. PARTIES

The parties to this MOU are Doulas International, a Community Based Organization (CBO), and Morrow County Government, the Local Public Health Authority (LPHA).

II. DEFINITIONS

For purposes of this MOU:

- “Contact or contacts” means individuals who have been identified as having had a substantial exposure to an individual with COVID-19.

III. BACKGROUND

On March 8, 2020, the Governor issued Executive Order (EO) 20-03, declaring a state of emergency due to the public health threat posed by the novel infectious coronavirus disease (COVID-19). On May 1, 2020, the Governor extended the declaration of emergency (EO 20-24).

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As the state moves to re-open, the identification of contacts and quarantine and support for contacts is crucial to help contain the spread of COVID-19.

Communities of color are disproportionately affected by COVID-19. It is important that the active surveillance and support of contacts be carried out in a manner that is culturally and linguistically responsive to meet the needs of communities most impacted by racism and oppression or other circumstances caused or exacerbated by toxic stress, trauma, intergenerational trauma and the social determinants of equity like mental health, substance use, job loss, housing and food and nutrition. Communities may also be experiencing stigma related to misinformation about the source and spread of COVID-19.

CBO has entered into a grant agreement with the Oregon Health Authority (OHA) to provide culturally and linguistically responsive services, including community engagement and education, contact tracing, social services and wraparound supports for cases and contacts.

LPHA must, pursuant to its financial assistance agreement with OHA, partner with CBOs in its jurisdiction to ensure the cultural and linguistic needs of cases and contacts in the community are met.

IV. PURPOSE

The purpose of this MOU is to establish the responsibilities of the CBO and LPHA with regard to community engagement, education and outreach activities, contact tracing, if applicable, and social services and wraparound supports for the communities served by both the CBO and the LPHA, and to coordinate these responsibilities to ensure that the needs of cases and contacts are being met. The parties agree to work cooperatively and shall communicate timely and effectively.

V. AGREEMENT

A. LPHA Responsibilities

1. Subject to federal and state law, provide to the CBO the information necessary for the CBO to meet its responsibilities under its grant agreement with OHA.
2. Refer, as LPHA deems appropriate and necessary, individuals to CBOs for wraparound services and supports as needed and identified through case investigation and/or contact tracing.
3. Provide an LPHA point of contact with whom CBO may coordinate and communicate, including a seven day a week and holiday contact.
4. Work with the CBO to develop referral workflows for contact tracing and/or wraparound services.
5. Notify OHA if CBO is unable or unwilling to fulfill obligations under this MOU.

B. CBO Responsibilities

1. For community engagement, education and outreach, engage in regular coordination with LPHA about where the community can access services like testing, health care and social services.
2. Provide a CBO point of contact with whom LPHA may coordinate and communicate.
3. For social services and wraparound supports, timely provide the necessary case management and other activities identified in the CBO's grant agreement with OHA for all identified contacts received from the LPHA.
 - CBO will work with LPHA to develop joint referral workflows for wrap around services.
 - CBO will be available to support wraparound services seven days per week, including holidays.
 - CBO will contact referrals from LPHA within 24 hours for isolation and quarantine support.
 - CBO will communicate with LPHA if a contact cannot be reached after three attempts.
 - CBO will provide documentation related to social service/wraparound supports to the LPHA if requested and not already provided.

4. CBO shall not engage in political or religious activities while performing services related to this MOU.
5. CBO shall provide any documentation related to work performed by CBO related to this MOU in LPHA county upon request by LPHA.
6. CBO will not share information about contact tracing or wraparound services with the public or the media without prior consent of the LPHA.
7. Develop, implement and maintain reasonable safeguards to protect information security and confidentiality. CBO must immediately notify LPHA if any electronically stored information or written documentation that contains personal information, as defined by statute, has been subject to a security breach.
8. Notify OHA if LPHA is unable or unwilling to fulfill obligations under this MOU.
9. CBO will not seek funding for work from LPHA for work performed under the CBO Grant Agreement with OHA.

VI. GENERAL TERMS

- A. This MOU shall become effective when fully executed and shall remain in effect until terminated by one or both of the parties in writing.
- B. This MOU may be amended by written agreement of all participating agencies.
- C. No person shall be denied or subjected to discrimination in receipt of the benefits of any services on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age or marital status.
- D. Each party shall be responsible for its own acts and inaction and agrees, subject to the Oregon Constitution and Oregon Tort Claims Act, to defend the other party for its own negligent performance, willful misconduct or failure to perform any obligation related to the MOU.

VI. TERMINATION

- A. Mutual Agreement: This MOU may be terminated at any time with mutual written agreement by both parties.
- B. Single Party Termination: Either party may terminate this MOU upon 30 days' written notice to the other party.
- C. Expiration of Agreement: If the MOU is not terminated by mutual or single party termination, the agreement shall expire October 28, 2023. The MOU may be extended if agreed to by both parties prior to expiration.

CBO Signatory

Date

LPHA Signatory

Date

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Public Health Department would like to establish a full-time Clinic Nurse Supervisor position. The Public Health Nurse Supervisor functions as a member of the Public Health Management Team, and assists with administration of public health services provided by the County. Supervises professional nursing staff and paraprofessional employees who provide public health nursing services; plans, develops, manages and implements public health programs for communities, families and individuals; and performs related work as required. This position will encompass some of the Care RN responsibilities and will also be able to act as interim Public Health Director. The Public Health Department's budget currently supports this position based on the personnel expenditures that are already appropriated. Approving this position will also help support the professional positions that are currently open and are hard to fill. Many of these Nurse positions have been open for multiple years. Based on the JobMeas evaluation tool, this position would land at step 20 of the non-union exempt management scale. The salary range for step 20 is \$5,786 - \$8,141.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve the Public Health Clinic Nurse Supervisor Job Description with no additional budget appropriations.

Attach additional background documentation as needed.



MORROW COUNTY JOB DESCRIPTION

Date Prepared: October 2020

Position Title: Public Health Nurse Supervisor

Department: Public Health Department

Supervisor: Public Health Director

Salary Range: 20

Position Summary: The Public Health Nurse Supervisor functions as a member of the Public Health Management Team, and assists with administration of public health services provided by the County. The Nurse Supervisor develops and implements department goals, objectives, policies, and priorities; while providing administrative direction to program managers and coordinators.

Supervisory Responsibilities: Supervises professional nursing staff and paraprofessional employees who provide public health nursing services; plans, develops, manages and implements public health programs for communities, families and individuals; and performs related work as required.

Qualifications:

- Education – Bachelors or Associates Degree in Nursing required, master’s degree preferred.
- Experience –Three years of increasingly responsible experience of the principles of public health, the practice of public health administrative, management principles, community health services, or nursing experience.
- A valid license to practice as a Registered Nurse in the State of Oregon is required at the time of appointment.
- A valid Driver’s License is required at the time of appointment.
- Required to maintain valid CPR and First Aid Certifications.

Skills/Abilities:

- Experience in the administration of major programs or projects.
- Strong commitment to ongoing professional development.
- Leadership skills that develop and retain highly competent, public service-oriented staff through selection, training, and day-to-day management practices; such as inspire and motivate others to perform well, effectively influence actions and opinions of others, accept feedback from others and give appropriate recognition to others.

- Team Leadership skills that foster team cooperation, define team roles and responsibilities, support group problem solving, ensure progress toward goals, and acknowledge team accomplishments.
- Work with partner agencies to develop relationships, joint projects and establish lines of communication.
- Ability to function effectively in a diverse and fast-paced work environment with challenging and often competing deadlines.
- Ability to learn, apply and develop procedures, systems, and processes of the Public Health Department.
- Strong analytical and critical thinking skills, the ability to analyze a variety of problems, to make recommendations as to their solutions and to prepare working procedures
- A solid understanding of business functions such as government processes, human relations, budgets, problem-solving, and analytical skills.
- Ability to learn and apply a variety of rules, and regulations for required reports to different agencies.
- Ability to effectively communicate with strong writing, presentation and listening skills that promote understanding and clarity in a respectful manner.
- Ability to learn the functions of other County departments.
- Ability to use computers, including word processions, data base, internet, and spreadsheet programs
- Ability to use tools, including calculator, telephone, copy machine, fax machine, and postage machine.
- The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the salary range.

Essential Job Functions:

- Perform duties required for implementing new programs.
- Performs the function of public health nurse as necessary.
- Perform administrative and fiscal duties in assistance to the Public Health Director.
- Perform supervisory duties of program personnel, promote staff development and training.
- Monitor professional practices and program activities to assure compliance with agency policies and procedures, state/federal statues and administrative rules.
- Assist in coordination of a variety of related services including Tobacco, Reproductive Health, Home Visiting Programs, Communicable Disease, Public Health Preparedness, Immunizations, Environmental Health, CARE, Parent & Child Health Services, Health Promotion, and various other programs.
- Coordinates with Health Department Director's preparation of Community health assessment and integrates assessment into community health improvement plan with other agencies and groups to meet current public health needs of the community.

- Assure that all necessary client and operational records are kept in compliance with state guidelines and federal regulation. This includes acting in the role of HIPAA Security Officer.
- Train nursing staff and others in procedures and protocols of assigned program area(s).
- Interpret and apply protocols, regulations, policies and procedures.
- Establishes and maintains liaison with State and County officials; medical community, resource organizations and community leaders to obtain support for and an understanding of Public Health programs to develop mutually beneficial programs.
- Ensure performance of quality assurance activities, evaluate functioning of individual programs in relation to goals, objectives and existing laws and regulations.
- Develops, implements, evaluates, and revises program policies, procedures, work methods and action plans.
- Represent the county health department in conjunction with the Health Director in negotiating and coordination of public health services with the community.
- Assist with operational analysis, program evaluation, standards development, research/planning programs of the health department programs and management of information systems.
- Ensure performance of quality assurance activities, evaluate functioning of individual programs in relation to goals, objectives and existing laws and regulations.
- Responsible for training, in-service and orientation of all personnel to maintain state-of-the-art health care.
- Responsible for 24 hr. on call communicable disease/emergency preparedness during emergency situations and weekend rotational 24-hour call.
- Participate in occasional after hours or weekend events as needed to include health fairs, community clinics, and public health emergencies.
- Assure that all necessary client and operational records are kept in compliance with State guidelines and Federal regulations.
- Maintains liaison with State and County officials; medical community, resource organizations and community leaders to obtain support for and an understanding of public health programs to develop mutually beneficial programs.
- Supervise assigned professional and paraprofessional staff, including interviewing and selecting staff; provide staff training in proper work methods and techniques; assign and review work; conduct performance evaluations; implement discipline and conflict resolution procedures when necessary.
- Schedule, coordinate and monitor assigned clinic/public health programs by evaluating compliance with regulations, procedures and protocols, staff efficiency and client utilization to ensure that operational and agency goals and objectives are being met.
- Develop, implement, evaluate and modify public health programs (including policies, procedures and protocols) by collecting, analyzing and interpreting program data including statistical, narrative and anecdotal reports, staff.

- Maintains liaison with health/social/education providers in the community, community-based organizations and community leaders to obtain support for and an understanding of public health programs to develop mutually beneficial programs.
- Serves as back up to the Morrow County Public Health Director.
- Performs related duties as assigned to meet business needs.

Working Environment: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Work is accomplished from Morrow County Health Department offices, Morrow County schools, within the community, in the home and through electronic platforms. The noise level in the work environment is usually moderate.

Physical:

- Ability to work at a computer screen for long periods of time, ability to sit, stand, read and have moderate, rapid finger, hand and arm movement for extended periods of time.
- The ability to walk on uneven surfaces and/or drive on rough terrain.
- Stand and walk for 30 minutes continuously
- Lift and carry 30 pounds
- Reach to shoulder height
- Climb up and down stairs
- Must be able to drive a vehicle
- May be exposed to communicable diseases

Mental:

- This position is regularly required to use written and oral communication skills; observe and interpret situations; read and interpret data, information and documents; analyze and solve complex problems; use math and mathematical reasoning; perform highly detailed work under challenging, intensive deadlines, on multiple concurrent tasks; and work with constant interruptions.
- Ability to handle stressful situations when interacting with the public and/or County employees.
- Ability to maintain confidentiality.

ADA Statement:

Ability to perform the essential functions of this position with or without reasonable accommodation.

Signed and Approved

Date



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #
5e

Please complete for each agenda item submitted for consideration by the Board of Commissioners
 (See notations at bottom of form)

Presenter at BOC: Darrell Green
 Department: Administration
 Short Title of Agenda Item:

Phone Number (Ext):
 Requested Agenda Date: 10/28/2020

(No acronyms please)

Wheatridge Strategic Investment Program- Partial Assignment

This Item Involves: (Check all that apply for this meeting.)

- | | |
|---|---|
| <input type="checkbox"/> Order or Resolution | <input type="checkbox"/> Appointments |
| <input type="checkbox"/> Ordinance/Public Hearing: | <input type="checkbox"/> Update on Project/Committee |
| <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading | <input type="checkbox"/> Consent Agenda Eligible |
| <input type="checkbox"/> Public Comment Anticipated: | <input checked="" type="checkbox"/> Discussion & Action |
| Estimated Time: | Estimated Time: 15 minutes |
| <input type="checkbox"/> Document Recording Required | <input type="checkbox"/> Purchase Pre-Authorization |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Other |

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:

Contractor/Entity Address:

Effective Dates – From:

Through:

Total Contract Amount:

Budget Line:

Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Mike Gorman 10/26/2020 Department Director
DATE

Required for all BOC meetings

Darrell Green 10/26/2020 Administrator
DATE

Required for all BOC meetings

Justin Nelson email 10/22/20 County Counsel
DATE

*Required for all legal documents

_____ Finance Office
DATE

*Required for all contracts; other items as appropriate.

_____ Human Resources
DATE

*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

On March 20, 2019 the Board of Commissioners entered into a Strategic Investment Program (SIP) agreement with Wheatridge Wind and Solar Energy, LLC. Section 10 highlighted on this agreement discusses assignment and or partial assignment of rights from Wheatridge Wind/Solar to other entities.

Attached is an Agreement on Procedural Issues for Partial Assignments. Wheatridge Wind is proposing to partially assign of the 450 MW; 200 MW to Wheatridge Wind II, LLC, 150 MW to Wheatridge Wind East, LLC and 100 MW PGE.

Also attached is an example spreadsheet for dividing the SIP payments.

Mike Gorman: NextEra, PGE and I met earlier this year to discuss the process for calculating the property tax, the community service fee and additional payments for this project since a portion of it would assigned to PGE. I have reviewed and approve the attached documents.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve the partial assignments of the Wheatridge Wind project as follow;
200 MW to Wheatridge Wind II
150 MW to Wheatridge Wind East
100 MW to PGE

Attach additional background documentation as needed.

**AMENDED AND RESTATED
OREGON STRATEGIC INVESTMENT PROGRAM AGREEMENT
“WHEATRIDGE FACILITIES”**

MORROW COUNTY, a political subdivision of the State of Oregon, (“County”) and WHEATRIDGE WIND ENERGY, LLC (“Wheatridge Wind”), a Delaware limited liability company authorized to do business in the State of Oregon, and WHEATRIDGE SOLAR ENERGY CENTER, LLC (“Wheatridge Solar”), a Delaware limited liability company that will be timely authorized to do business in the State of Oregon, enter into this Strategic Investment Program (“SIP”) Agreement (“Agreement”) as of March 2019 (“Effective Date”), for a wind energy resource with installed capacity up to 450 MW, a solar energy resource with installed capacity up to 150 MW, and battery storage up to 150 MW, all to be located in the County. The County, Wheatridge Wind, and Wheatridge Solar are sometimes referenced in this Agreement individually as “Party” and collectively as “Parties.”

W I T N E S S E T H :

WHEREAS, the Oregon Legislature has established the SIP to promote industrial competitiveness and to improve employment in the area where projects are to be located by encouraging businesses engaged in projects to hire local employees (See ORS 307.123 and ORS 285C.600 – 285C.620.); and

WHEREAS, the SIP encourages local governments to enter into agreements with key industries to attract and retain long-term investment and employment; and

WHEREAS, the County and Wheatridge Wind entered into a SIP Agreement dated September 6, 2017 (the “Original SIP Agreement”) with respect to a commercial wind energy generation project, known as Wheatridge Wind Energy Facility (“Wind Facility”), as more fully described in the Original SIP Agreement; and

WHEREAS, Wheatridge proposes to build and operate in the County a commercial wind energy generation project, known as Wheatridge Wind Energy Facility (“Wind Facility”), pursuant to a certificate issued by the Oregon Energy Facility Siting Council (“EFSC”), as that certificate may be amended from time to time (“Site Certificate”) for a facility capacity up to 450 MW; and

WHEREAS, Wheatridge Solar proposes to build and operate in the County a commercial solar energy generation and battery storage project, known as Wheatridge Solar Energy Facility (“Solar Facility”), pursuant to a certificate issued by the Oregon Energy Facility Siting Council (“EFSC”), as that certificate may be amended from time to time (“Solar Site Certificate”) for a facility capacity up to 150 MW solar and 150 MW battery storage; and

WHEREAS, the Wind Facility and the Solar Facility (each, a “Facility,” and collectively, the “Facilities”) are expected to create temporary construction jobs and permanent full-time jobs in the County; and

WHEREAS, Wheatridge Wind and Wheatridge Solar each shall utilize local Morrow

County businesses to the maximum extent possible, while also considering cost effectiveness of the Facilities, which benefits the County; and

WHEREAS, Wheatridge Wind and the County negotiated the Original SIP Agreement, and the Oregon Economic and Community Development Department (“OECDD”) approved the SIP application (the “Application”) for the Original SIP Agreement; and

WHEREAS, the Parties wish to amend and restate the Original SIP Agreement to include the Solar Facility; and

WHEREAS, it is the intent of this SIP Agreement to provide the competitive tax structure in the County that is essential for Wheatridge Wind and Wheatridge Solar to provide a source of renewable energy in Oregon and to contribute to the State of Oregon’s quality of life; and

WHEREAS, this Agreement provides the terms and conditions under which the County agrees to amend and restate the Original SIP Agreement to provide tax abatement for the Project, as defined below, in exchange for performance by Wheatridge Wind and Wheatridge Solar of their obligations as specified herein;

NOW, THEREFORE, in consideration of the mutual covenants of the Parties, each to the other giving, the Parties do hereby agree as follows:

1. **Project Definition and Scope.** The “Project” means all tangible and intangible Property (whether held in fee, leasehold or by contract) having the County as its tax situs, consisting of (a) the wind turbine generators which may be installed or placed in service in phases or stages in the County during the term of this Agreement, as well as all associated property (the “Associated Property”), including without limitation roads and civil construction work, meteorological monitoring towers, operations and maintenance facilities, foundations, inverters, transformers, collection and transmission lines, electrical towers and poles, underground and overhead electrical conductors, one or more substations, land, and associated supporting infrastructure and facilities, as more fully described in the Application; and (b) the solar arrays that may be installed and placed in service in phases or stages in the County during the term of this Agreement, as well as all Associated Property, including without limitation solar modules, tracker systems, posts, inverters, energy battery storage facilities (up to 150 MW), roads and civil construction work, meteorological monitoring units, operations and maintenance facilities, foundations, transformers, collection and transmission lines, electrical towers and poles, underground and overhead electrical conductors, one or more substations, land, and associated supporting infrastructure and facilities. Unless otherwise determined by Wheatridge Wind or Wheatridge Solar, as applicable and as described below, the Project further includes repairs, replacements, modernization, renovations and remodeling of such Property made during the term of this Agreement. For purposes of this Agreement, the Project shall first exist when the real market value of the foregoing Property is at least \$25 million. Subject to the Site Certificate and State and local land use laws, Wheatridge Wind may add to (up to a maximum nameplate capacity of 450 MW) or subtract from (but not below \$25 million) the Property that constitutes the Wind Facility portion of the Project (including repairs, replacements, modernization, renovations or remodeling). Subject to the Site Certificate and State and local land use laws, Wheatridge Solar may add to (up to a maximum nameplate capacity of 150 MW of solar and 150 MW of energy battery storage) or subtract from (but not below \$25 million) the Property that constitutes the Solar Facility portion of

the Project (including repairs, replacements, modernization, renovations or remodeling). For purposes of this Agreement, "Property" has the meaning assigned to that term in ORS 308.505 through 308.681.

In the event Wheatridge Wind or Wheatridge Solar desires to repower or expand its Facility within the SIP Exemption Period, the County shall have the right to re-open negotiation with Wheatridge Wind or Wheatridge Solar, as applicable, of a new "Per-Megawatt Amount, as defined in Section 4.2.3 and 4.2.4, for the Facility regarding the amount of any increase in Project installed electrical capacity and repowering or expansion shall not occur until such renegotiation is concluded, or the affected parties agree to waive this provision, to the satisfaction of each affected Party.

2 SIP Exemption Period. The "SIP Exemption Period" shall begin, as defined in ORS 307.123(1)(b), in and for the Property Tax Year during which the Project commences Commercial Operation and has a real market value equal to, or in excess of, \$25 million, and shall continue thereafter for 15 Property Tax Years as provided by ORS 307.123(1)(b). As used in this Agreement, "Commercial Operation" shall mean that the Project first produces electrical energy and that electrical energy is transmitted into the regional transmission grid for delivery to a power purchaser, and "Property Tax Year" means each period of 12 months beginning July 1.

3 Condition Precedent. Except for the obligations set forth in Sections 5.1 and 6.1., the obligations set forth herein and this Agreement replacing the Original SIP Agreement are conditioned upon approval by the OECDD, or its designee, of this agreement.

4 Exemption, Payments and Related Obligations.

4.1 Each Property Tax Year during the SIP Exemption Period, on or before October 25, the County shall submit to:

4.1.1 Wheatridge Wind and any Assignee under Section 10 a statement describing its calculations and an invoice for amounts due under this Agreement for the Wind Facility. The invoiced amounts shall be paid by Wheatridge Wind no later than the following December 1.

4.1.2 Wheatridge Solar and any Assignee under Section 10 a statement describing its calculations and an invoice for amounts due under this Agreement for the Solar Facility. The invoiced amounts shall be paid by Wheatridge Solar no later than the following December 1.

4.2 In consideration for participating in the SIP with respect to the Project, Wheatridge Wind, Wheatridge Solar, and any Assignee under Section 10 agrees to pay the amounts as set forth below:

4.2.1 Ad Valorem Property Taxes On Non-Exempt Amounts. The first \$25 million in real market value of the Project, subject to annual increase at the rate of three percent (3%), shall be taxable at its assessed value as provided by ORS 307.123 and 308.146. Property taxes on such value will be payable in accordance with ORS 311.505. The remainder of the real market value of the Project shall be exempt from taxation as provided by ORS 307.123. The tax imposed pursuant to this provision shall be divided between the Facilities based on the ratio of the applicable Facility's real market value to the total real market value of the Facilities as of January

1 of the applicable year (the "Facility Ratio").

422 Community Service Fee ("CSF"). For each year of the SIP Exemption Period:

4.2.2.1 Wheatridge Wind shall pay to the County a CSF, in an amount equal to twenty-five percent (25%) of the taxes that would, but for the exemption, be due on the exempt Property of the Wind Facility in each assessment year, but not exceeding the product of (a) \$500,000 and (b) the Facility Ratio for the Wind Facility.

4.2.2.2 Wheatridge Solar shall pay to the County a CSF, in an amount equal to twenty-five percent (25%) of the taxes that would, but for the exemption, be due on the exempt Property of the Solar Facility in each assessment year, but not exceeding the product of (a) \$500,000 and (b) the Facility Ratio for the Solar Facility.

423 Wind Facility Additional Amount. If for any Property Tax Year of the SIP Exemption Period, the Wind Facility Statutory Amount is less than the Wind Facility Minimum Revenue amount for the property tax year, then Wheatridge Wind shall pay to that County an amount equal to the difference between the Wind Facility Minimum Revenue Amount and the Wind Facility Statutory Amount (the "Wind Facility Additional Amount"). Each year, no later than October 25, the County shall provide Wheatridge Wind with a statement describing its calculations and the Wind Facility Additional Amount due, if any, for the Property Tax Year ended on the prior June 30, and Wheatridge Wind shall pay any Wind Facility Additional Amount to the County within sixty (60) days of receipt of the calculations. The Wind Facility Additional Amount shall be payable in addition to any property taxes and CSF for the year. For purposes of this Agreement, the following definitions apply:

"Wind Facility Statutory Amount" means the sum of (i) the ad valorem property taxes due from Wheatridge Wind for the property tax year pursuant to Section 4.2.1, and (ii) the aggregate CSF amount described in Section 4.2.2.1.

"Wind Facility Per-Megawatt Amount" means \$8,000.00.

"Wind Facility Minimum Revenue Amount" means the product of (a) the connected nameplate capacity (in Megawatts) of the Wind Facility as of January 1 of that year multiplied by (b) the Wind Facility Per-Megawatt Amount for the Property Tax Year.

424 Solar Facility Additional Amount. If for any Property Tax Year of the SIP Exemption Period, the Solar Facility Statutory Amount is less than the Solar Facility Minimum Revenue amount for the property tax year, then Wheatridge Solar shall pay to that County an amount equal to the difference between the Solar Facility Minimum Revenue Amount and the Solar Facility Statutory Amount (the "Solar Facility Additional Amount" and, with the Wind Facility Additional Amount, the "Additional Amount"). Each year, no later than October 25, the County shall provide Wheatridge Solar with a statement describing its calculations and the Solar Facility Additional Amount due, if any, for the Property Tax Year ended on the prior June 30, and Wheatridge Solar shall pay any Solar Facility Additional Amount to the County within sixty (60) days of receipt of the calculations. The Solar Facility Additional Amount shall be payable in

addition to any property taxes and CSF for the year. For purposes of this Agreement, the following definitions apply:

“Solar Facility Statutory Amount” means the sum of (i) the ad valorem property taxes due from Wheatridge Solar for the property tax year pursuant to Section 4.2.1, and (ii) the aggregate CSF amount described in Section 4.2.2.2.

“Solar Facility Per-Megawatt Amount” means \$8,650.00 per MW for Solar array.

“Solar Facility Minimum Revenue Amount” means the product of (a) the connected nameplate capacity (in Megawatts) of the solar array panels as of January 1 of that year multiplied by (b) the Solar Facility Per-Megawatt Amount for the Property Tax Year. The nameplate capacity of any battery storage shall not be taken into account in determining the Solar Facility Minimum Revenue Amount.

425 County Education Enhancement Program. County recognizes the economic benefits that come from an adequately funded education system in Morrow County. County has determined that providing funding for the creation and continued funding of a STEM (Science, Technology, Engineering, and Mathematics) program will assist in educating the students of Morrow County and act as incentive for families to move to Morrow County and create further economic development. County further believes that providing art and music opportunities to students helps provide a well-rounded education for students in Morrow County. In furtherance of these goals, County has determined that the following funds received from this SIP Agreement shall be directed to schools in Morrow County:

STEM Program: \$600,000.00 yearly. Amount will be distributed on a yearly basis, based upon continued need and approval of a Memorandum of Understanding Agreement between the County and school district.

Art and Music Programs: \$400,000.00 yearly. Amount will be distributed on a yearly basis, based upon continued need and approval of a Memorandum of Understanding Agreement between the County and school district.

Funding of the County Education Enhancement Program for STEM, Art, and Music will be contingent upon County receiving adequate funding each year from this SIP Agreement. Funding is also contingent upon County and school districts entering into a Memorandum of Understanding that details the uses of the funding, and is agreeable to County and school districts receiving the funding. Nothing in this Section imposes on Wheatridge Wind or Wheatridge Solar an obligation to make a payment beyond the payments required by Section 4.2.1, Section 4.2.2, Section 4.2.3 and Section 4.2.4.

426 County Cost of Preparation of SIP Agreement. In addition to the above, Wheatridge agrees to reimburse the County an additional Five Thousand dollars (\$5,000) for the costs incurred for the Amended and Restated Agreement preparation, including staff, legal, administrative, and professional fees. Payment shall be made within ninety (90) days of the signing

of the Agreement.

43 First-Source Hiring Agreement. Wheatridge Solar and Wheatridge Wind shall each enter into first-source hiring agreements with an appropriate third party acceptable to the County in substantially the form required pursuant to OAR 123-070-1000 to -1900. The County is to be designated a third-party beneficiary of the agreement and is entitled to enforce its terms. If the third-party provider is unable to perform the first-source hiring agreement to the satisfaction of Wheatridge Wind, and Wheatridge Solar or the County, then the Parties shall cooperate in procuring the services of a substitute provider.

44 Property Tax Statements and Information. Wheatridge Wind and Wheatridge Solar shall notify the County on an annual basis, at the time of the filing with the Oregon Department of Revenue ("DOR") of the annual statement for property tax purposes covering the Project, of the connected nameplate capacity (in Megawatts) of the Project as of January 1 of that year.

45 State Road Repair Agreement. Wheatridge Wind and Wheatridge Solar agree to coordinate with and reasonably satisfy requests of Oregon Department of Transportation (ODOT) for repair of any State highways impacted by project construction traffic and, in addition, reimburse County its direct, out-of-pocket cost of any repair or extraordinary maintenance of County roads resulting from Wheatridge Wind and Wheatridge Solar's construction of the Project.

5 County Obligations.

51 Within nine (9) days after the Effective Date, the County shall request that the OECDD approve the SIP Agreement.

52 The County shall be solely responsible for determining how to dispose of the CSF (pursuant to Oregon rules and statute) and the Additional Amount, including paying any portions that are due or payable to any other jurisdictions. In no event shall Wheatridge Wind or Wheatridge Solar have any liability in connection with any disagreement, error, or conflict between the County and any other jurisdiction related to the division, allocation, or distribution of such amounts or related to the County Education Enhancement Program described in Section 4.2.5. In no event shall Wheatridge Wind or Wheatridge Solar have any liability or obligation to any other person with respect to the CSF, the Additional Amount, or the Section 4.2.5 County Education Enhancement Program after it has discharged its duty to pay as set forth in Section 4 above, and the County shall hold Wheatridge Wind and Wheatridge Solar harmless with respect to any claims to the contrary, to the extent allowed and permitted by the Oregon Constitution and other Oregon law.

6 **Joint Obligations.** In addition to the other obligations set forth in this Agreement, the Parties shall:

61 Cooperate with the OECDD and the DOR to secure approval of the SIP and take such steps as may, from time to time, be reasonably necessary to maintain the Project's tax exemption.

62 Provide such information and resources to each other as may be reasonably necessary to ensure proper calculation of the amounts due under this Agreement.

7. **Ad Valorem Property Taxes.** Nothing herein shall govern the assessment, payment, or collection of ad valorem property taxes on the portion of the Project that is taxable as described in Section 4.2.1 of this Agreement or on Property unrelated to the Project.

8 Miscellaneous Provisions.

81 The laws of the State of Oregon shall govern this Agreement. Venue is in the Circuit Court of the State of Oregon for the County of Morrow. The Parties agree that in case of any disputes that arise under this Agreement they shall first attempt to resolve such disputes through good-faith negotiations between authorized representatives for both Parties for a period of thirty (30) days before filing any litigation.

82 Wheatridge Wind shall cause to be installed and utilize an Aircraft Detection Lighting System (ADLS) on each wind tower installed in the Wind Facility, so long as use has been authorized by the Federal Aviation Administration (FAA) and comply with all FAA rules and regulations.

83 Unless defined herein, the terms herein shall be given their normal and customary meaning, except that terms relating to the payment of Property taxes and fees included in this SIP agreement shall be construed consistently with the tax laws and rules of the State of Oregon. No provision shall be construed against a Party simply because that Party drafted the provision.

84 Failure to make payment in full of the CSFs or the Additional Amounts by the due date shall result in interest being charged on the past due balance in the same amount as is provided by law for late payment of ad valorem property taxes.

85 If Wheatridge Wind fails to pay the Section 4.2.2.1 portion of the CSF by the end of a Property Tax Year in which it is due, the tax exemption for the Wind Facility portion of the Project shall be revoked and the property shall be fully taxable for the following Property Tax Year and for each subsequent Property Tax Year for which the Section 4.2.2.1 portion of the CSF remains unpaid. If an unpaid CSF is paid after the exemption is revoked, the property shall again be eligible for the exemption, beginning with the Property Tax Year after the payment is made. Reinstatement of the exemption shall not extend the 15-year SIP Exemption Period.

The County shall have the right to enforce payment of any and all amounts due to it by Wheatridge Wind and/or any permitted assignee (including interest, as provided in Section 8.4) through an appropriate action to collect such amounts. In the event suit or action is instituted to enforce compliance with any of the terms, covenants, or conditions of this Agreement, or to collect the payment amounts due hereunder, if Wheatridge Wind is found to be in default of this Agreement, it agrees to pay in addition to the costs and disbursements provided by statute, such additional sums as the court may adjudge reasonable for attorneys' fees, consulting fees, and other out-of-pocket expenses allowed plaintiff in any suit or action, provided County is the prevailing party. Wheatridge Wind also agrees to pay and discharge all reasonable costs and expenses actually incurred, including County's reasonable attorney fees, reasonable consulting fees, and other reasonable expenses that arise from enforcement of any provisions of this Agreement, even though no suit or action is commenced.

86 If Wheatridge Solar fails to pay the Section 4.2.2.2 portion of the CSF by the end of a Property Tax Year in which it is due, the tax exemption for the Solar Facility portion of the Project shall be revoked and the property shall be fully taxable for the following Property Tax Year and for each subsequent Property Tax Year for which the Section 4.2.2.2 portion of the CSF remains unpaid. If an unpaid CSF is paid after the exemption is revoked, the property shall again be eligible for the exemption, beginning with the Property Tax Year after the payment is made. Reinstatement of the exemption shall not extend the 15-year SIP Exemption Period.

The County shall have the right to enforce payment of any and all amounts due to it by Wheatridge Solar and/or any permitted assignee (including interest, as provided in Section 8.4) through an appropriate action to collect such amounts. In the event suit or action is instituted to enforce compliance with any of the terms, covenants, or conditions of this Agreement, or to collect the payment amounts due hereunder, if Wheatridge Solar is found to be in default of this Agreement, it agrees to pay in addition to the costs and disbursements provided by statute, such additional sums as the court may adjudge reasonable for attorneys' fees, consulting fees, and other out-of-pocket expenses allowed plaintiff in any suit or action, provided County is the prevailing party. Wheatridge Solar also agrees to pay and discharge all reasonable costs and expenses actually incurred, including County's reasonable attorney fees, reasonable consulting fees, and other reasonable expenses that arise from enforcement of any provisions of this Agreement, even though no suit or action is commenced.

87 The Parties hereby agree to this Agreement in its entirety.

88 The County and Wheatridge Wind understand and agree that the County will only get the full benefit of its bargain with respect to the Wind Facility if it receives all payments covered by this Agreement and due by Wheatridge Wind. The "Wind Facility Default Amount" shall mean the amount equal to Wind Facility Minimum Revenue Amount for the Property Tax Year in which the Wind Facility Default occurred, multiplied by the number of Property Tax Years remaining in the SIP Exemption Period. "Wind Facility Default" shall mean the material breach of this Agreement by Wheatridge Wind that is not cured default within thirty (30) days after Wheatridge Wind receives notice thereof from the County.

88.1 In the event that Wheatridge Wind fails to pay the amounts due pursuant to Sections 4.2.2.1 and 4.2.3 for a given Property Tax Year, then in addition to any other remedies allowed at law or in equity, the following shall apply:

8.8.1.3. This Agreement and the SIP exemption with respect to the Wind Facility may thereupon be terminated at the County's election after thirty (30) days' written notice to Wheatridge Wind.

8.8.1.4. Wheatridge Wind shall thereupon be obligated to pay to the County the Wind Facility Default Amount, which shall represent the County's liquidated damages. The County shall submit to Wheatridge Wind an invoice for the amount of liquidated damages due, together with a statement setting forth its calculations. If Wheatridge Wind becomes liable for liquidated damages under this provision, it shall pay such invoiced amounts on or before sixty (60) days after its receipt of the County's invoice; provided, however, in the event Wheatridge Wind does not agree with the County's calculations, Wheatridge Wind and the County shall

attempt to resolve such disputes through good faith negotiations between authorized representatives of each Party to occur during such sixty (60) day period.

882 In accordance with Oregon Law, in the event of an overpayment of the Section 4.2.2.1 portion of the CSF or any Wind Facility Additional Amount, the County shall either issue an overpayment refund check or return the incorrect payment and request that Wheatridge Wind reissue payment in the correct amount. In the event of a return of overpayment, the County assessor shall establish a reasonable schedule for payment of the amount actually due under this Agreement.

883 If Wheatridge Wind fails to pay the Section 4.2.2.1 portion of the CSF or any Wind Facility Additional Amount by the end of the Property Tax Year in which it is due, and no cure is made within thirty (30) days after Wheatridge Wind receives written notice from the County of such failure, the tax exemption for the Wind Facility portion of the Project shall thereupon be suspended. The Wind Facility Property shall thereupon be fully taxable for the following Property Tax Year and for each subsequent Property Tax Year for which the amounts due under this Agreement remain unpaid. If the unpaid amounts are paid after the exemption is suspended, the Wind Facility Property shall again be eligible for the exemption, beginning with the Property Tax Year after the payment is made. Reinstatement of the exemption shall not extend the 15-year exemption period.

Nothing in the Section 8.8 shall impact this Agreement or the SIP Exemption with respect to the Solar Facility.

8.9 The County and Wheatridge Solar understand and agree that the County will only get the full benefit of its bargain with respect to the Solar Facility if it receives all payments covered by this Agreement and due by Wheatridge Solar. The "Solar Facility Default Amount" shall mean the amount equal to Solar Facility Minimum Revenue Amount for the Property Tax Year in which the Solar Facility Default occurred, multiplied by the number of Property Tax Years remaining in the SIP Exemption Period. "Solar Facility Default" shall mean the material breach of this Agreement by Wheatridge Solar that is not cured default within thirty (30) days after Wheatridge Solar receives notice thereof from the County.

891 In the event that Wheatridge Solar fails to pay the amounts due pursuant to Sections 4.2.2.3 and 4.2.4 for a given Property Tax Year, then in addition to any other remedies allowed at law or in equity, the following shall apply:

8.9.1.5. This Agreement and the SIP exemption with respect to the Solar Facility may thereupon be terminated at the County's election after thirty (30) days' written notice to Wheatridge Solar.

8.9.1.6. Wheatridge Solar shall thereupon be obligated to pay to the County the Solar Facility Default Amount, which shall represent the County's liquidated damages. The County shall submit to Wheatridge Solar an invoice for the amount of liquidated damages due, together with a statement setting forth its calculations. If Wheatridge Solar becomes liable for liquidated damages under this provision, it shall pay such invoiced amounts on or before sixty (60) days after its receipt of the County's invoice; provided, however, in the event Wheatridge

Solar does not agree with the County's calculations, Wheatridge Solar and the County shall attempt to resolve such disputes through good faith negotiations between authorized representatives of each Party to occur during such sixty (60) day period.

892 In accordance with Oregon Law, in the event of an overpayment of the Section 4.2.2.2 portion of the CSF or any Solar Facility Additional Amount, the County shall either issue an overpayment refund check or return the incorrect payment and request that Wheatridge Solar reissue payment in the correct amount. In the event of a return of overpayment, the County assessor shall establish a reasonable schedule for payment of the amount actually due under this Agreement.

893 If Wheatridge Solar fails to pay the Section 4.2.2.2 portion of the CSF or any Solar Facility Additional Amount by the end of the Property Tax Year in which it is due, and no cure is made within thirty (30) days after Wheatridge Solar receives written notice from the County of such failure, the tax exemption for the Solar Facility portion of the Project shall thereupon be suspended. The Solar Facility Property shall thereupon be fully taxable for the following Property Tax Year and for each subsequent Property Tax Year for which the amounts due under this Agreement remain unpaid. If the unpaid amounts are paid after the exemption is suspended, the Solar Facility Property shall again be eligible for the exemption, beginning with the Property Tax Year after the payment is made. Reinstatement of the exemption shall not extend the 15-year exemption period.

Nothing in the Section 8.9 shall impact this Agreement or the SIP Exemption with respect to the Wind Facility.

8.10 All notices and other communications required or permitted under this Agreement shall be in writing and shall be either hand delivered in person, sent by facsimile, sent by certified or registered first-class mail, postage pre-paid, or sent by nationally recognized express courier service. Such notices and other communications shall be effective upon receipt if hand delivered or sent by facsimile, three days after mailing if sent by mail, and one day after dispatch if sent by express courier, to the following addresses, or such other addresses as either Party may notify the other Party in accordance with this Section 8.5.

If to Wheatridge Wind, to:
Wheatridge Wind Energy, LLC
700 Universe Blvd
Juno Beach, FL 33408
Facsimile No.: (561) 691-7307
Telephone No.: (561) 329-4550
Attention: Business Manager

If to Wheatridge Solar, to:
Wheatridge Solar Energy Center, LLC
700 Universe Blvd
Juno Beach, FL 33408
Facsimile No.: (561) 691-7307
Telephone No.: (561) 329-4550
Attention: Business Manager



If to County, to:
Morrow County Assessor
Post Office Box 247
Heppner, Oregon 97836
Facsimile No.: (541) 676-5610
Telephone No.: (541) 676-5607
Attention: County Assessor

9. **Merger.** This Agreement constitutes the complete and exclusive agreement between the Parties with respect to the SIP, and supersedes all prior agreements and proposals, oral or written and any other communication between the Parties on this matter. No waiver, modification, amendment or other change will be binding on either Party, except as a written addendum, signed by authorized agents for both Parties.

10. **Assignment.** Upon prior written notice to the County, but without prior approval by the County, Wheatridge Wind and Wheatridge Solar may each may assign, in whole or in part, its rights and release its obligations under this Agreement to any assignee of its choosing; provided, however, that the assignee must satisfy all applicable requirements under ORS 285C.600 to 285C.620 and must agree to assume the obligations, conditions, requirements and other terms of this Agreement and, further provided, that no assignment shall be permitted unless (a) all payments due the County under this Agreement, as of the date of the assignment, have been paid in full and (b), in the case of a partial assignment, the parties to the assignment and the County agree on procedural issues arising from the partial assignment including, but not limited to, the division of payments required by this agreement and the impact of nonpayment by a party to the partial assignment. The County's agreement to such procedural issues shall not be unreasonably withheld.


11. **Term.** The term of this Agreement shall extend from the effective date, specified below, until the date on which Wheatridge Wind and Wheatridge Solar shall have made the last installment payment it is obligated to make to the County pursuant to Section 4.2.3, 4.2.4 and 4.2.5, provided Wheatridge Wind and Wheatridge Solar is not in default under the terms of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective the 20th day of March 2019

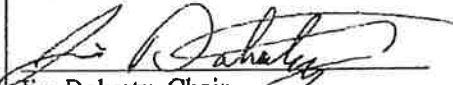

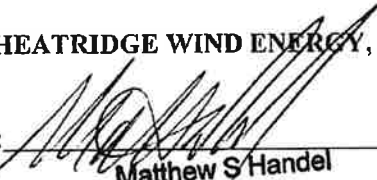
<p>MORROW COUNTY</p> <p> Jim Doherty, Chair</p> <p> Don Russell, Commissioner</p> <p><i>Refrained</i> Melissa Lindsay, Commissioner</p>	<p>WHEATRIDGE WIND ENERGY, LLC</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
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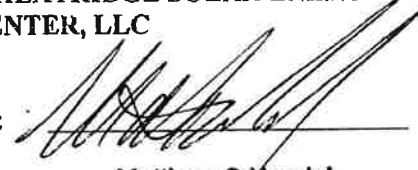
	<p>WHEATRIDGE SOLAR ENERGY CENTER, LLC</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
--	---

Approve as to Form:



Justin W. Nelson
Morrow County Counsel
OSB #074460

IN WITNESS WHEREOF, the Parties have executed this Agreement effective the 20th day of March 2019

<p>MORROW COUNTY</p> <p> Jim Doherty, Chair</p> <p> Don Russell, Commissioner</p> <p><i>Refained</i> Melissa Lindsay, Commissioner</p>	<p>WHEATRIDGE WIND ENERGY, LLC</p> <p>By:  Name: <u>Matthew S Handel</u> Title: <u>Vice President</u></p>
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	<p>WHEATRIDGE SOLAR ENERGY CENTER, LLC</p> <p>By:  Name: <u>Matthew S Handel</u> Title: <u>Vice President</u></p>
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Approve as to Form:


Justin W. Nelson
Morrow County Counsel
OSB #074460

MORROW COUNTY, OREGON **CJ2019-0202**
Commissioners' Journal 11/08/2019 1:06:41 PM



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk



Agreement on Procedural Issues for Partial Assignments

This Agreement on Procedural Issues for Partial Assignments (the “**Agreement**”), effective as of October 28, 2020 (the “**Effective Date**”), is by and between MORROW COUNTY, a political subdivision of the State of Oregon (“**County**”), WHEATRIDGE WIND ENERGY, LLC, a Delaware limited liability company (“**Wheatridge Wind**”), WHEATRIDGE WIND II, LLC, a Delaware limited liability company (“**Wind II**”), and WHEATRIDGE WIND EAST, LLC, a Delaware limited liability company (“**Wind East**”).

WHEREAS, County, Wheatridge Wind and Wheatridge Solar Energy Center, LLC entered into an Amended and Restated Oregon Strategic Investment Program Agreement, dated March 20, 2019 (the “**SIP Agreement**”) attached to this Agreement as Exhibit A, with respect to a Wind Facility and Solar Facility as defined in the SIP Agreement;

WHEREAS, pursuant to a Partial Assignment and Assumption Agreement between Wheatridge Wind, Wind II and Wind East dated October 28, 2020 (the “**Partial Assignment Agreement**”), Wheatridge Wind assigned the SIP Agreement to (1) Wind II, with respect to a 200 MW Wind Facility (the “**200 MW Wind Facility**”) and (2) Wind East, with respect to the 150 MW of the 450 MW Wind Facility allowed by the SIP Agreement that has not been built (the “**Unbuilt Wind Capacity**”);

WHEREAS, Wheatridge Wind retained the SIP Agreement with respect to a 100 MW Wind Facility (the “**100 MW Wind Facility**”), which Wheatridge Wind plans to later assign to Portland General Electric Company, an Oregon corporation (“**PGE**”), as part of Wheatridge Wind’s sale of the 100 MW Wind Facility to PGE pursuant to that certain Build Transfer Agreement dated February 11, 2019; and

WHEREAS, with respect to a partial assignment of the SIP Agreement, Section 10 of the SIP Agreement requires, in relevant part, that the County and Assignees agree on procedural issues arising from a partial assignment, including the division of payments required by the SIP Agreement and the impact of nonpayment by a party to the Assignment Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Definitions. All capitalized terms used in this Agreement but not otherwise defined herein are given the meanings set forth in the SIP Agreement.

2. Division of Payments. The payments required by the SIP Agreement with respect to the Wind Facility shall be divided between the 100 MW Facility, the 200 MW Facility and the Unbuilt Wind Capacity based on relative megawatts of nameplate capacity. Exhibit B to this Agreement contains a spreadsheet modeling the division. As demonstrated in Exhibit B, the process for the division of the amounts owed under the SIP Agreement is as follows:

(a) County determines the property tax owed on the taxable portion of the Project, subtracts the property tax owed on the land and apportions the remaining amount

between the Wind Facility (the (the “**Wind Section 4.2.1 Amount**”) and the Solar Facility in accordance with Section 4.2.1 of the SIP Agreement.

(b) County divides the Wind Section 4.2.1 Amount between the 100 MW Wind Facility, the 200 MW Wind Facility, and any future Wind Facility related to the Unbuilt Wind Capacity, based on relative MW of nameplate capacity.

(c) County determines the community service fee and apportions this amount between the Wind Facility (the “**Wind Section 4.2.2 Amount**”) and the Solar Facility in accordance with Section 4.2.2 of the SIP Agreement.

(d) County divides the Wind Section 4.2.2 Amount between the 100 MW Wind Facility, the 200 MW Wind Facility, and any future Wind Facility related to the Unbuilt Wind Capacity, based on relative MW of nameplate capacity.

(e) County determines the Wind Facility Additional Amount pursuant to Section 4.2.3 of the SIP Agreement and divides this amount between the 100 MW Wind Facility, the 200 MW Wind Facility, and any future Wind Facility related to the Unbuilt Wind Capacity, based on relative MW of nameplate capacity.

3. Impact of Nonpayment

(a) In the event that Wheatridge Wind fails to pay the amounts determined pursuant to Section 2 of this Agreement with respect to the 100 MW Wind Facility, the provisions of Sections 8.5 and 8.8.1 of the SIP Agreement, as applicable, shall apply, but only with respect to the 100 MW Wind Facility. Such nonpayment shall have no impact on the 200 MW Wind Facility or any future Wind Facility related to the Unbuilt Wind Capacity.

(b) In the event that Wind II fails to pay the amounts determined pursuant to Section 2 of this Agreement with respect to the 200 MW Wind Facility, the provisions of Sections 8.5 and 8.8.1 of the SIP Agreement, as applicable, shall apply, but only with respect to the 200 MW Wind Facility. Such nonpayment shall have no impact on the 100 MW Wind Facility or any future Wind Facility related to the Unbuilt Wind Capacity.

(c) In the event that Wind East fails to pay the amounts determined pursuant to Section 2 of this Agreement with respect to any future Wind Facility related to the Unbuilt Wind Capacity, the provisions of Sections 8.5 and 8.8.1 of the SIP Agreement, as applicable, shall apply, but only with respect to any future Wind Facility related to the Unbuilt Wind Capacity. Such nonpayment shall have no impact on the 100 MW Wind Facility or the 200 MW Wind Facility.

4. Assignment. Upon prior written notice to the County, but without prior approval by the County, Wheatridge Wind, Wind II, or Wind East may each may assign in whole its rights and release its obligations under this Agreement to any assignee of its choosing.

5. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Oregon without giving effect to any choice or conflict of law provision or rule (whether of the State of Oregon or any other jurisdiction).

6. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

7. Further Assurances. Each of the parties hereto shall execute and deliver, at the reasonable request of the other party hereto, such additional documents, instruments, conveyances and assurances and take such further actions as such other party may reasonably request to carry out the provisions hereof and give effect to the transactions contemplated by this Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first above written.

MORROW COUNTY

By: _____

Name: Melissa Lindsay, Chair

By: _____

Name: Don Russell, Vice-Chair

By: _____

Name: Jim Doherty, Commissioner

WHEATRIDGE WIND ENERGY, LLC

By: _____

Name:

Title:

WHEATRIDGE WIND II, LLC

By: _____

Name:

Title:

WHEATRIDGE WIND EAST, LLC

By: _____

Name:

Title:

EXHIBIT A

[attached Amended and Restated Oregon Strategic Investment Program Agreement]

EXHIBIT B

[see attached spreadsheet]

2021 Property Tax Year (Wind in service; Solar not in service)

Per megawatt payment (Wind)	\$	8,000		
Per megawatt payment (Solar)	\$	8,650		
Property tax rate		1.35878%		
		Value Determined by		
		the Department	MW	
Wheatridge I (BPA)	\$	100,000,000		100
Wheatridge II (PPA)	\$	200,000,000		200
Total for Wind	\$	300,000,000		300
Wheatridge III (Solar)	\$	-		-
Taxable portion (Year 1)	\$	25,000,000		
Exempt portion	\$	275,000,000		
Tax on taxable portion of Project	\$	339,695		
CSF	\$	500,000		
Additional amount (per/MW fee)	\$	1,560,305.00		
Total amount owed per SIP	\$	2,400,000		
Assessed value of land	\$	2,000,000		
Wind	\$	2,000,000		
Solar	\$	-		
Tax on land (bills sent to landowners)	\$	27,176		
Wind	\$	27,176		
Solar	\$	-		
Remaining taxable portion	\$	312,519		
Wind	\$	312,519.40		
Wheatridge I	\$	104,173		
Wheatridge II	\$	208,346		
Solar (Wheatridge III)	\$	-		
CSF	\$	500,000		
Wind	\$	500,000		
Wheatridge I	\$	166,667		
Wheatridge II	\$	333,333		
Solar (Wheatridge III)	\$	-		
Additional amount (per/MW fee)	\$	1,560,305		
Wind	\$	1,560,305		
Wheatridge I	\$	520,102		
Wheatridge II	\$	1,040,203		
Solar (Wheatridge III)	\$	-		

2022 Property Tax Year (Wind and Solar in service)

Per megawatt payment (Wind)	\$	8,000		
Per megawatt payment (Solar)	\$	8,650		
Property tax rate		1.35878%		
		Value Determined by		
		the Department	MW	
Wheatridge I (BPA)	\$	100,000,000		100
Wheatridge II (PPA)	\$	200,000,000		200
Total for Wind	\$	300,000,000		300
Wheatridge III (Solar)	\$	50,000,000		50
Taxable portion (Year 2)	\$	25,750,000		
Exempt portion	\$	324,250,000		
Tax on taxable portion of Project	\$	349,886		
CSF	\$	500,000		
Additional amount (per/MW fee)	\$	1,982,614.15		
Total amount owed per SIP	\$	2,832,500		
Assessed value of land	\$	2,500,000		

Wind	\$	2,000,000
Solar	\$	500,000
Tax on land (bills sent to landowners)	\$	33,970
Wind	\$	27,176
Solar	\$	6,794
Remaining taxable portion	\$	315,916
Wind	\$	270,785.44
Wheatridge I	\$	90,262
Wheatridge II	\$	180,524
Solar (Wheatridge III)	\$	45,130.91
CSF	\$	500,000
Wind	\$	428,571
Wheatridge I	\$	142,857.14
Wheatridge II	\$	285,714.29
Solar (Wheatridge III)	\$	71,428.57
Additional amount (per/MW fee)	\$	1,982,614
Wind	\$	1,673,468
Wheatridge I	\$	557,823
Wheatridge II	\$	1,115,645
Solar (Wheatridge III)	\$	309,146.6



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
59

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Matt Scrivner
Department: Public Works - ROAD
Short Title of Agenda Item: Cattle Guard procurement
(No acronyms please)

Phone Number (Ext): 541-989-9500
Requested Agenda Date: 10.28.2020

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity: Doherty Welding, LLC
Contractor/Entity Address: P.O. Box 28, Pilot Rock, OR 97868
Effective Dates - From: 10.28.2020 Through: Till complete
Total Contract Amount: 43,104.00 Budget Line: 202.220.5.20.2506
Does the contract amount exceed \$5,000? Yes No

Reviewed By:
Matt Scrivner 10.26.2020 Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Council *Required for all legal documents
Kate Knop 10.26.2020 Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate
*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Council, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Morrow County Public Works had advertised for 6-8X12' cattle guards and 6-8X12' and end wings for all. To Counties specifications and design created by Anderson Perry.

Bids where due October 8 and opened at 2:30 PM upon the opening two bids had been received.

Bailey Heavy Equipment and Repair

\$46,484.85

Doherty Welding, LLC

\$43,104.00

The apparent low bid provided by Doherty Welding and all information appears to be correct.

Bids and information is attached for your review.

2. FISCAL IMPACT:

202.220.5.20.2506 will be Contract Services to purchase the completed cattle guards for use.

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to accept the lowest bidder for the cattle guard construction to Doherty Welding, LLC

Attach additional background documentation as needed.

10/8/2020
2:00 p.m.

Cattle Guard bid opening
Cattle Guard procurement – 2020
October 8, 2020 2:00 pm

Contractor/submittal Doherty Doughty Welding LLC.

10- Foot Cattle Guard Section	EA	<u>2892.-</u>	6	<u>\$ 17,352.-</u>
12-Foot Cattle Guard Section	EA	<u>3468.-</u>	6	<u>20,808.-</u>
Cattle Guard End Wing	EA	<u>206.-</u>	24	<u>4944.-</u>
Total Bid Price				<u>43,104</u>

Notes:

Contractor/submittal Baird Heavy Equip LLC.

10- Foot Cattle Guard Section	EA	<u>3137.81</u>	6	<u>18,823.68</u>
12-Foot Cattle Guard Section	EA	<u>3307.68</u>	6	<u>19,846.08</u>
Cattle Guard End Wing	EA	<u>325.68</u>	24	<u>7816.32</u>
Total Bid Price				<u>46,486.08</u>

Notes:

Contractor/submittal _____

10- Foot Cattle Guard Section	EA	_____	6	_____
12-Foot Cattle Guard Section	EA	_____	6	_____
Cattle Guard End Wing	EA	_____	24	_____
Total Bid Price				_____

Notes:

ERI

Cattle Guard bid opening
Cattle Guard procurement – 2020
October 8, 2020 2:00 pm

Contractor/submittal Doherty Welding LLC.

10- Foot Cattle Guard Section	EA	<u>\$2892.00</u>	6	<u>\$17,352.00</u>
12-Foot Cattle Guard Section	EA	<u>\$3468.00</u>	6	<u>\$20,808.00</u>
Cattle Guard End Wing	EA	<u>\$206.00</u>	24	<u>\$4944.00</u>
Total Bid Price				<u>\$43,104.00</u>

Notes:

Contractor/submittal Ken Bailey Heavy Equip. Repair Inc.

10- Foot Cattle Guard Section	EA	<u>\$3137.81</u>	6	<u>\$18,823.89</u>
12-Foot Cattle Guard Section	EA	<u>\$3307.68</u>	6	<u>\$19,846.08</u>
Cattle Guard End Wing	EA	<u>\$325.62</u>	24	<u>\$7814.88</u>
Total Bid Price				<u>\$46,484.85</u>

Notes:

-3380.85

Contractor/submittal _____

10- Foot Cattle Guard Section	EA	_____	6	_____
12-Foot Cattle Guard Section	EA	_____	6	_____
Cattle Guard End Wing	EA	_____	24	_____
Total Bid Price				_____

Notes:

Contractor/submittal _____

10- Foot Cattle Guard Section EA _____ 6 _____

12-Foot Cattle Guard Section EA _____ 6 _____

Cattle Guard End Wing EA _____ 24 _____

Total Bid Price _____

Sherty Welding, LLC
) Box 28
 1 NW Cedar St.
 ot Rock, OR 97868

Sealed Bid
 Due 10-8-20 2:00 PM

Matt Scriver
Morrow County Public Works
365 West Highway 74
Lexington Or.

EA _____ 24 _____

Total Bid Price _____

Notes:

Contractor/submittal _____

10- Foot Cattle Guard Section EA _____ 6 _____

12-Foot Cattle Guard Section EA _____ 6 _____

Cattle Guard End Wing EA _____ 24 _____

Total Bid Price _____

Cattle Guard Procurement – 2020 10/08/2020 @2:00pm

DOHERTY WELDING, LLC

PO. BOX 28
PILOT ROCK OR. 97868

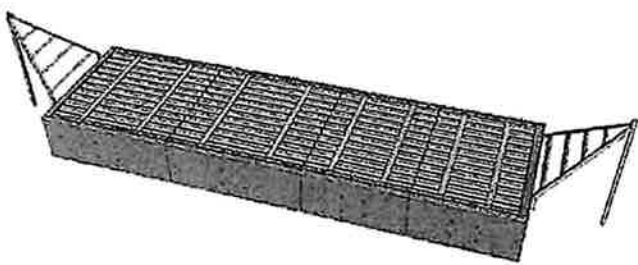
Phone #	Fax #
541-443-3234	541-443-3241

Estimate

DATE	ESTIMATE NO.
10/6/2020	1412

NAME / ADDRESS
Morrow County Public Works PO Box 428 365 West Highway 74 Lexington OR 97839

PROJECT	
Cattle Guard 2020	
TERMS	FOB
Net 30	Lexington OR

ITEM	DESCRIPTION	QTY	COST	TOTAL
02722	Steel Cattle Guard- 8' x 10'	6	2,892.00	17,352.00
02722	Steel Cattle Guard- 8' x 12'	6	3,468.00	20,808.00
02721	Cattle Guard End Wings	24	206.00	4,944.00
<p>Quote includes delivery to Lexington OR. Please allow 4-5 weeks for delivery. Quote includes Cattle Guards, End Wings, all Anchors and fasteners. All items built to specifications provided. All items painted Yellow. Installation not included. Meets H-20 load rating</p>				
				
<p>WE ACCEPT VISA MASTERCARD AND DISCOVER</p>				
Quote good for 30 days!		<p>MEMBER NPCA NPCA PLANT CERTIFIED</p>		<p>TOTAL \$43,104.00</p>

E-mail	packy@dohertywelding.com
Web Site	dohertywelding.com

SIGNATURE _____

BID FORM

PROJECT: Morrow County, Oregon
Cattle Guard Procurement - 2020

SUBMIT BID TO: Morrow County, Oregon
Attn: Matt Scrivner, Public Works Director
P.O. Box 428/365 West Highway 74
Lexington, Oregon 97839
Bid Closing: 2:00 p.m., October 8, 2020

By signing this Bid Form, the Bidder agrees to perform all Work described in the Request for Bids, including the Drawings. The Bidder agrees that no further examinations, investigations, or data are necessary for the determination of its Bid for performance of the Work in accordance with all requirements for the Morrow County, Oregon - Cattle Guard Procurement - 2020 project, for the following bid prices:

NO.	ITEM	UNIT	UNIT PRICE	AMOUNT	TOTAL ITEM PRICE
1.	10-foot Cattle Guard Section	EA	\$ 2892 ⁰⁰	6	\$ 17352 ⁰⁰
2.	12-foot Cattle Guard Section	EA	\$ 3468	6	\$ 20808 ⁰⁰
3.	Cattle Guard End Wing	EA	\$ 206 ⁰⁰	24	4944 ⁰⁰
TOTAL BID PRICE					\$ 43104

Respectfully Submitted:

Patrick A. Doherty
Signature

Patrick A. Doherty
Name (Print or Type)

Owner/member
Title

132959
Contractor's Oregon CCB License Number

Attest Patrick K. Doherty

10-7-2020
Date

Doherty Welding, LLC
Company Name

PO Box 28
Address - Line 1

611 NW Cedar St.
Pilot Rock, OR 97868
Address - Line 2

**BIDDER'S CERTIFICATION STATEMENTS AS REQUIRED BY
CERTAIN OREGON REVISED STATUTES (ORS)**

The Bidder, Doherty Welding LLC certifies to the following:
(Company Name)

- (1) Bidder is in compliance with State of Oregon tax laws in accordance with ORS 305.385.
- (2) Bidder is a [Non-resident Bidder] or (Resident Bidder) (circle correct designation) as defined in ORS 279A.120. "Resident Bidder" means a Bidder that has paid unemployment taxes or income taxes in the State of Oregon during the 12 calendar months immediately preceding submission of the Bid and has a business address in the State of Oregon (reference ORS 279C.365).
- (3) Bidder and Bidder's Subcontractors are not on the Oregon Construction Contractors Board list of corporations, partnerships, or other business entity of which the Contractor or Subcontractor is an owner, shareholder, or officer of the business or was an owner or officer of the business and who have been determined not to be qualified to perform construction work in Oregon.

Bidder: Patrick A. Doherty
(Signature)

Title: owner/member

Date: 10-7-2020

Project: **Morrow County, Oregon - Cattle Guard
Procurement - 2020**

WILEY
EQUIPMENT
RENTALS

457

Don, OR 97839

Morrow County Public works
Attn. Matt.

RCVD
10/07/2020
2:00 PM
[Signature]

BID FORM

PROJECT: Morrow County, Oregon
Cattle Guard Procurement - 2020

SUBMIT BID TO: Morrow County, Oregon
Attn: Matt Scrivner, Public Works Director
P.O. Box 428/365 West Highway 74
Lexington, Oregon 97839
Bid Closing: 2:00 p.m., October 8, 2020

By signing this Bid Form, the Bidder agrees to perform all Work described in the Request for Bids, including the Drawings. The Bidder agrees that no further examinations, investigations, or data are necessary for the determination of its Bid for performance of the Work in accordance with all requirements for the Morrow County, Oregon - Cattle Guard Procurement - 2020 project, for the following bid prices:

NO.	ITEM	UNIT	UNIT PRICE	AMOUNT	TOTAL ITEM PRICE
1.	10-foot Cattle Guard Section	EA	<u>3137.81</u>	6	<u>18,823.89</u>
2.	12-foot Cattle Guard Section	EA	<u>3307.68</u>	6	<u>19,846.08</u>
3.	Cattle Guard End Wing	EA	<u>325.62</u>	24	<u>7,814.88</u>
				TOTAL BID PRICE	<u>\$46,484.85</u>

Respectfully Submitted:

Ken Bailey
Signature
Ken Bailey
Name (Print or Type)
Owner
Title
NA
Contractor's Oregon CCB License Number

10/7/2020
Date
Bailey Heavy Equipment Repair Inc.
Company Name
PO Box 457 Lexington Or 97839
Address - Line 1
405 W. Main St. Lex Or 97839
Address - Line 2

Attest _____

**BIDDER'S CERTIFICATION STATEMENTS AS REQUIRED BY
CERTAIN OREGON REVISED STATUTES (ORS)**

The Bidder, Bailey Heavy Equip. Repair Inc certifies to the following:
(Company Name)

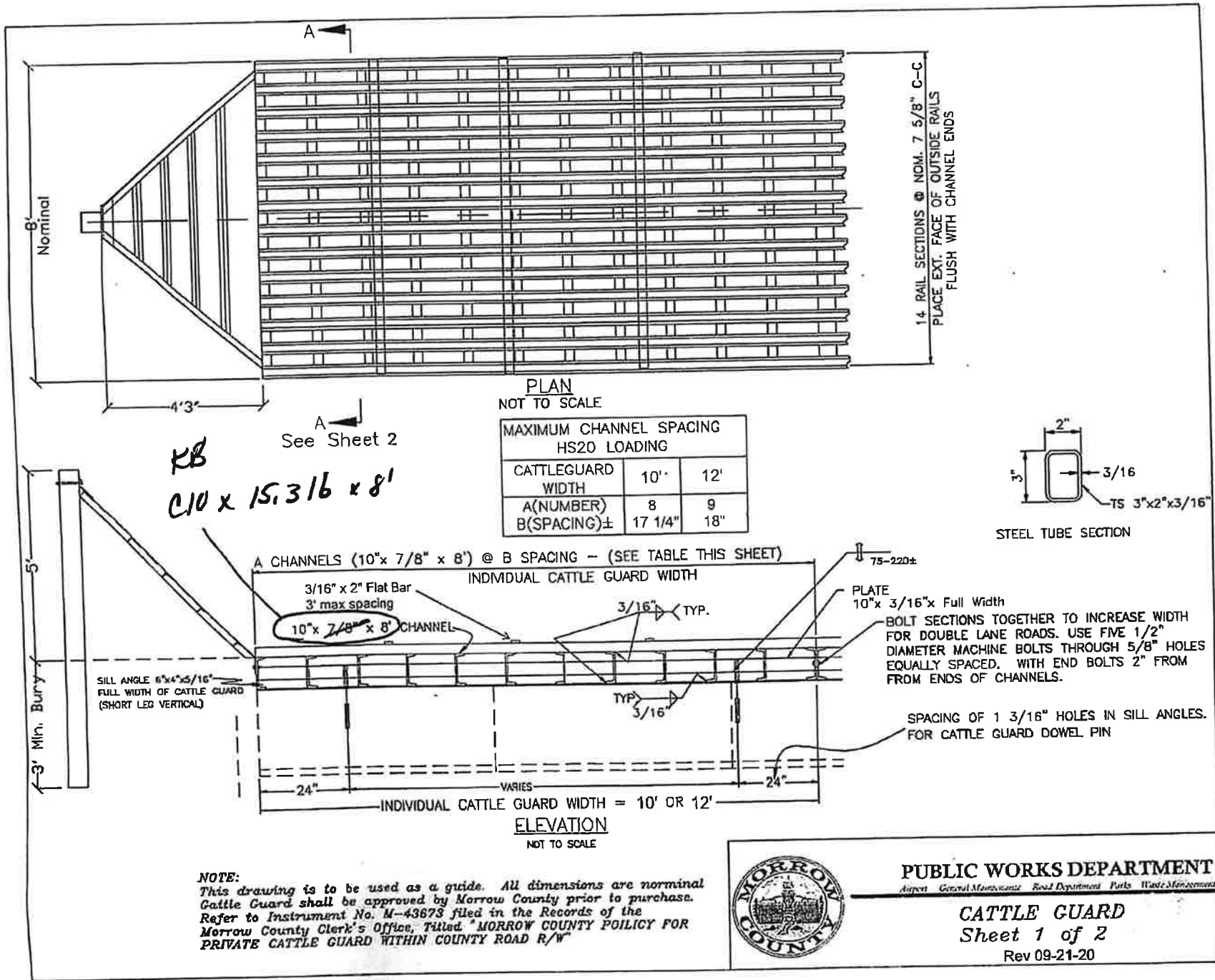
- (1) Bidder is in compliance with State of Oregon tax laws in accordance with ORS 305.385.
- (2) Bidder is a [Non-resident Bidder] or [Resident Bidder] (circle correct designation) as defined in ORS 279A.120. "Resident Bidder" means a Bidder that has paid unemployment taxes or income taxes in the State of Oregon during the 12 calendar months immediately preceding submission of the Bid and has a business address in the State of Oregon (reference ORS 279C.365).
- (3) Bidder and Bidder's Subcontractors are not on the Oregon Construction Contractors Board list of corporations, partnerships, or other business entity of which the Contractor or Subcontractor is an owner, shareholder, or officer of the business or was an owner or officer of the business and who have been determined not to be qualified to perform construction work in Oregon.

Bidder: Ken Bailey
(Signature)

Title: Owner

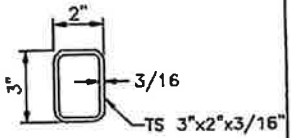
Date: 10/7/2020

Project: **Morrow County, Oregon - Cattle Guard
Procurement - 2020**



PLAN
NOT TO SCALE

MAXIMUM CHANNEL SPACING HS20 LOADING		
CATTLEGUARD WIDTH	10'	12'
A (NUMBER)	8	9
B (SPACING) ±	17 1/4"	18"



STEEL TUBE SECTION

ELEVATION
NOT TO SCALE

NOTE:
This drawing is to be used as a guide. All dimensions are nominal. Cattle Guard shall be approved by Morrow County prior to purchase. Refer to Instrument No. M-43673 filed in the Records of the Morrow County Clerk's Office, titled, "MORROW COUNTY POLICY FOR PRIVATE CATTLE GUARD WITHIN COUNTY ROAD R/W"



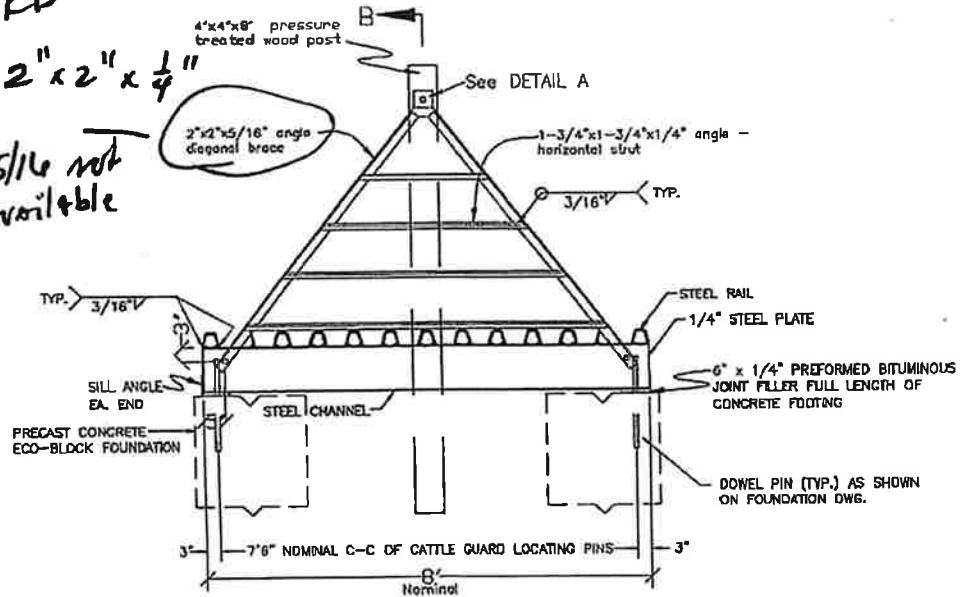
PUBLIC WORKS DEPARTMENT
Airport General Maintenance Road Department Parks Waste Management

CATTLE GUARD
Sheet 1 of 2
Rev 09-21-20

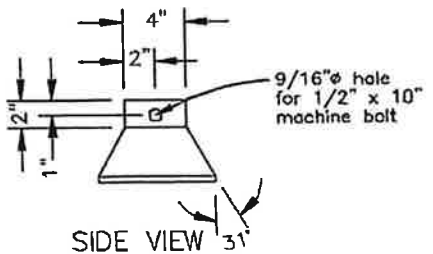
KB

2" x 2" x 1/4"

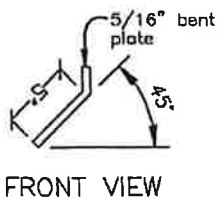
5/16 not available



SECTION A-A
NOT TO SCALE

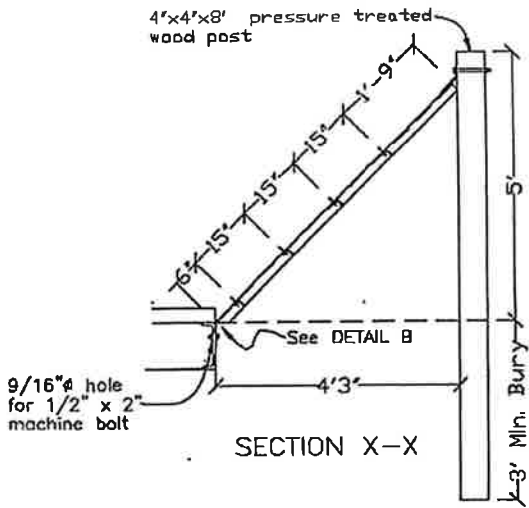


SIDE VIEW 3/16"

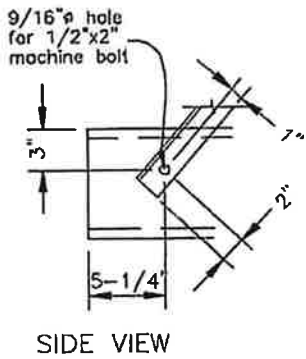


FRONT VIEW

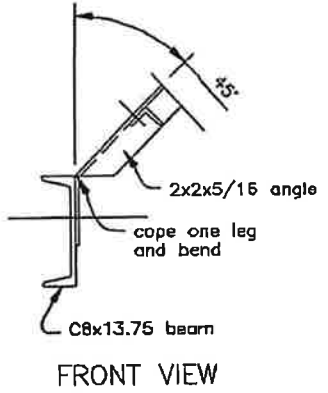
DETAIL A



SECTION X-X
ANGLE IRON END WING



SIDE VIEW



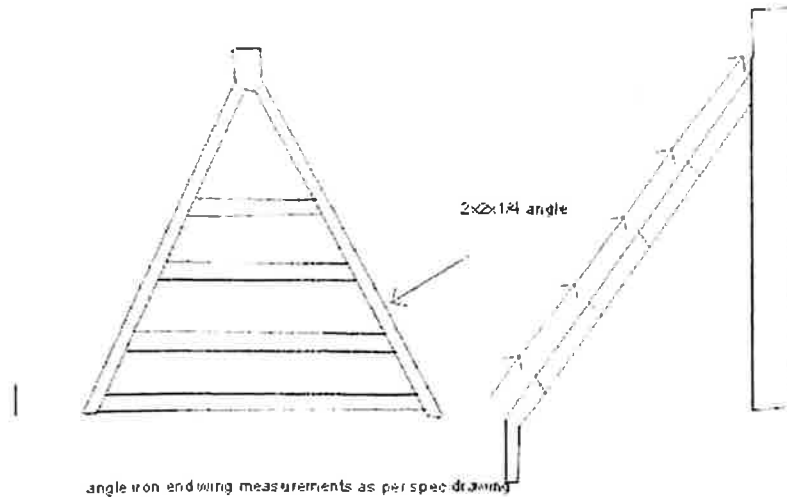
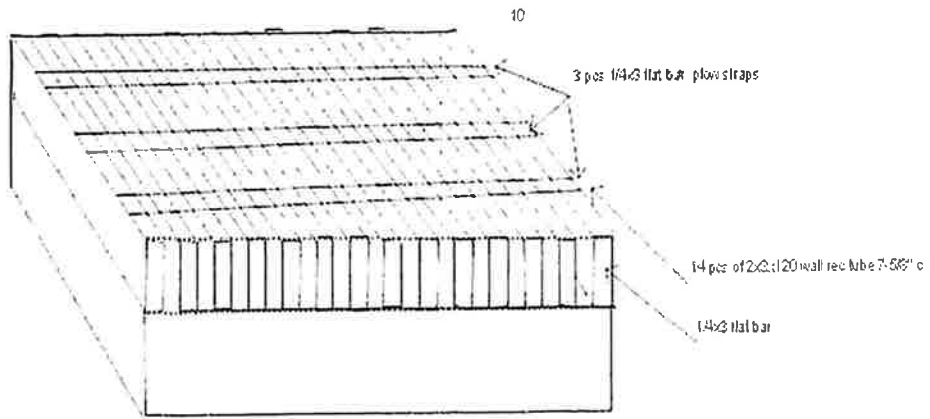
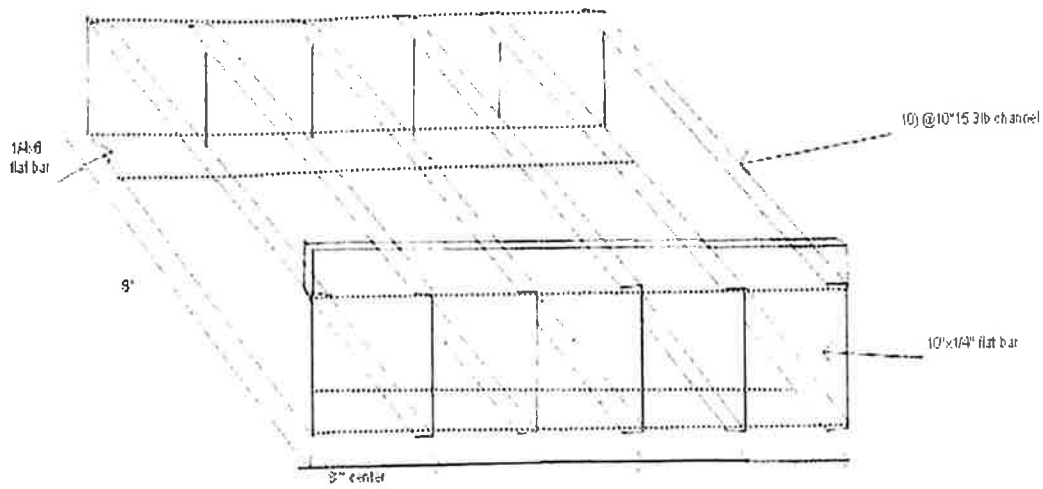
FRONT VIEW

DETAIL B



PUBLIC WORKS DEPARTMENT
Airport General Maintenance Road Department Parks Water Management

CATTLE GUARD
Sheet 2 of 2
Rev.09-21-20



**REQUEST FOR BIDS
MORROW COUNTY, OREGON
CATTLE GUARD PROCUREMENT - 2020**

Morrow County, Oregon
P.O. Box 428/365 West Highway 74
Lexington, Oregon 97839

Morrow County, Oregon (Owner) invites Bids for the **Cattle Guard Procurement - 2020** project. The Work includes supplying six 10-foot cattle guard sections, six 12-foot cattle guard sections, and 24 cattle guard end wings.

Sealed Bids for the described Project will be received by Matt Scrivner, Public Works Director, or his authorized representative, at Morrow County Public Works, P.O. Box 428/365 West Highway 74, Lexington, Oregon 97839, until 2:00 p.m. local time, October 8, 2020, at which time the Bids received will be publicly opened and read.

The Project is being funded by Morrow County.

The Work shall be completed by November 13, 2020. The Owner anticipates making the Contract award on or before October 13, 2020, upon reviewing the Bids.

A Bid Form is included with the Request for Bids (RFB) documents for the Bidder's use in preparing and submitting their Bid. This is the only Bid Form that will be accepted by the Owner for the Project.

The Bidder shall submit, with its Bid, the Bidder's Certification Statements as Required by Certain Oregon Revised Statutes (ORS) form. This form is included with the RFB documents.

The Issuing Office for the Bidding Documents is: Anderson Perry & Associates, Inc., 1901 N. Fir Street, La Grande, Oregon 97850. Prospective Bidders should contact Andy Lindsey, P.E., at the Issuing Office at 541-963-8309 or alindsey@andersonperry.com Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m. to obtain the Bidding Documents. Questions concerning the Work should be directed to Andy Lindsey.

Owner: **Morrow County, Oregon**
By: **Matt Scrivner**
Title: **Public Works Director**
Date: **September 24, 2020**

+ + END OF REQUEST FOR BIDS + +

BID PACKAGE
FOR
MORROW COUNTY, OREGON
CATTLE GUARD PROCUREMENT

2020



RENEWS 12-31-20
Signed 09-24-2020

ANDERSON PERRY & ASSOCIATES, INC.

La Grande, Redmond, and Hermiston, Oregon
Walla Walla, Washington

September 24, 2020

From: Morrow County, Oregon
P.O. Box 428/365 West Highway 74
Lexington, Oregon 97839

RE: Request for Bids - Cattle Guard Procurement - 2020

To Prospective Bidders:

Morrow County, Oregon (Owner) invites Bids for the Cattle Guard Procurement - 2020 project. The Work includes supplying six 10-foot cattle guard sections, six 12-foot cattle guard sections, and 24 cattle guard end wings.

Schedule. The Owner would like to complete the Work as soon as reasonably possible, with completion no later than November 13, 2020. After awarding the Contract, the awarded bidder will be given seven days to prepare and provide submittals to the Engineer and obtain materials.

Contract Award Schedule. The Owner anticipates making the Contract award on or before October 13, 2020, upon reviewing the Bids.

Funding. The Project is being funded by Morrow County.

Pre-Bid Inspection. Prospective bidders shall review the project Drawings and the extent of the Work. No formal pre-bid walkthrough will be provided.

Bidding and Awarding. A Bid Form is included with the Request for Bids (RFB) documents for the Bidder's use in preparing and submitting their Bid. This is the only Bid Form that will be accepted by the Owner for the Project.

Sealed Bids for the described project will be received by Matt Scrivner, Public Works Director, or his authorized representative, at Morrow County Public Works, P.O. Box 428/365 West Highway 74, Lexington, Oregon 97839, until 2:00 p.m. local time, October 8, 2020, at which time the Bids received will be publicly opened and read.

The Bidder shall submit, with its Bid, the Bidder's Certification Statements as Required by Certain Oregon Revised Statutes (ORS) form. This form is included with the RFB documents.

In addition to the Bidding documents above, the Bidder shall submit shop drawings for the requested cattle guard components showing compliance with the Morrow County standard cattle guard Drawings included in this RFB.

The Owner may reject for good cause all Bids upon the Owner's findings that it is in the Owner's interest to do so, and may reject the Bid of any Bidder if the Owner believes that it would not be in the best interest of the Project to make an award to that Bidder. The Owner also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate Contract terms with the successful Bidder.

September 24, 2020

Page -2-

Questions concerning the Work should be directed to Andy Lindsey, P.E., at Anderson Perry & Associates, Inc., 541-963-8309, or alindsey@andersonperry.com. Your interest in this project is appreciated, and Morrow County looks forward to receiving a Bid from your company.

Sincerely,

ANDERSON PERRY & ASSOCIATES, INC.

By _____
Andy Lindsey, P.E.

Enclosures: Request for Bids
Bid Form
Bidder's Certification Statements as Required by Certain Oregon Revised Statutes (ORS)
Project Drawings

cc: Matt Scrivner, Morrow County (w/encl.)
File No. 530-08-42 (w/encl.)

AL/cm

G:\Clients\Morrow County\530-08 Cattle Guard Procurement\RFB\RFB Letter.docx

BID FORM

PROJECT: Morrow County, Oregon
Cattle Guard Procurement - 2020

SUBMIT BID TO: Morrow County, Oregon
Attn: Matt Scrivner, Public Works Director
P.O. Box 428/365 West Highway 74
Lexington, Oregon 97839
Bid Closing: 2:00 p.m., October 8, 2020

By signing this Bid Form, the Bidder agrees to perform all Work described in the Request for Bids, including the Drawings. The Bidder agrees that no further examinations, investigations, or data are necessary for the determination of its Bid for performance of the Work in accordance with all requirements for the Morrow County, Oregon - Cattle Guard Procurement - 2020 project, for the following bid prices:

NO.	ITEM	UNIT	UNIT PRICE	AMOUNT	TOTAL ITEM PRICE
1.	10-foot Cattle Guard Section	EA	_____	6	_____
2.	12-foot Cattle Guard Section	EA	_____	6	_____
3.	Cattle Guard End Wing	EA	_____	24	_____
				TOTAL BID PRICE	\$ _____

Respectfully Submitted:

Signature

Name (Print or Type)

Title

Contractor's Oregon CCB License Number

Attest

Date

Company Name

Address - Line 1

Address - Line 2

**BIDDER'S CERTIFICATION STATEMENTS AS REQUIRED BY
CERTAIN OREGON REVISED STATUTES (ORS)**

The Bidder, _____, certifies to the following:
(Company Name)

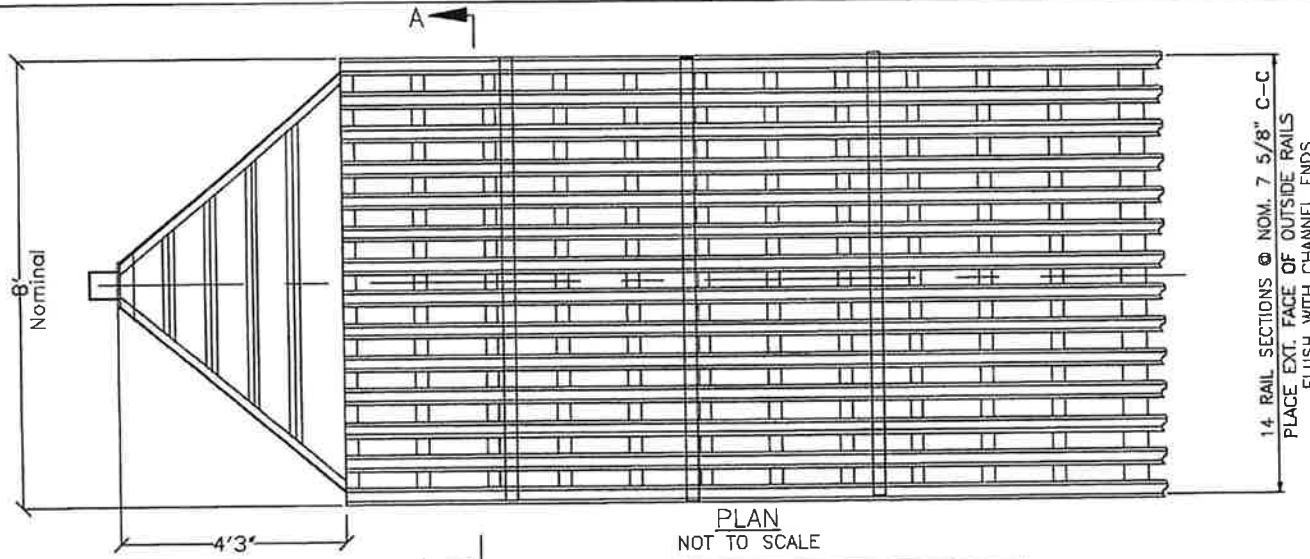
- (1) Bidder is in compliance with State of Oregon tax laws in accordance with ORS 305.385.
- (2) Bidder is a [*Non-resident Bidder*] or [*Resident Bidder*] (circle correct designation) as defined in ORS 279A.120. "Resident Bidder" means a Bidder that has paid unemployment taxes or income taxes in the State of Oregon during the 12 calendar months immediately preceding submission of the Bid and has a business address in the State of Oregon (reference ORS 279C.365).
- (3) Bidder and Bidder's Subcontractors are not on the Oregon Construction Contractors Board list of corporations, partnerships, or other business entity of which the Contractor or Subcontractor is an owner, shareholder, or officer of the business or was an owner or officer of the business and who have been determined not to be qualified to perform construction work in Oregon.

Bidder: _____
(Signature)

Title: _____

Date: _____

Project: **Morrow County, Oregon - Cattle Guard
Procurement - 2020**

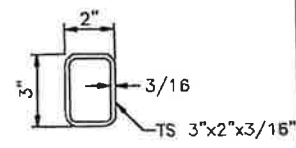


14 RAIL SECTIONS @ NOM. 7 5/8" C-C
PLACE EXT. FACE OF OUTSIDE RAILS
FLUSH WITH CHANNEL ENDS

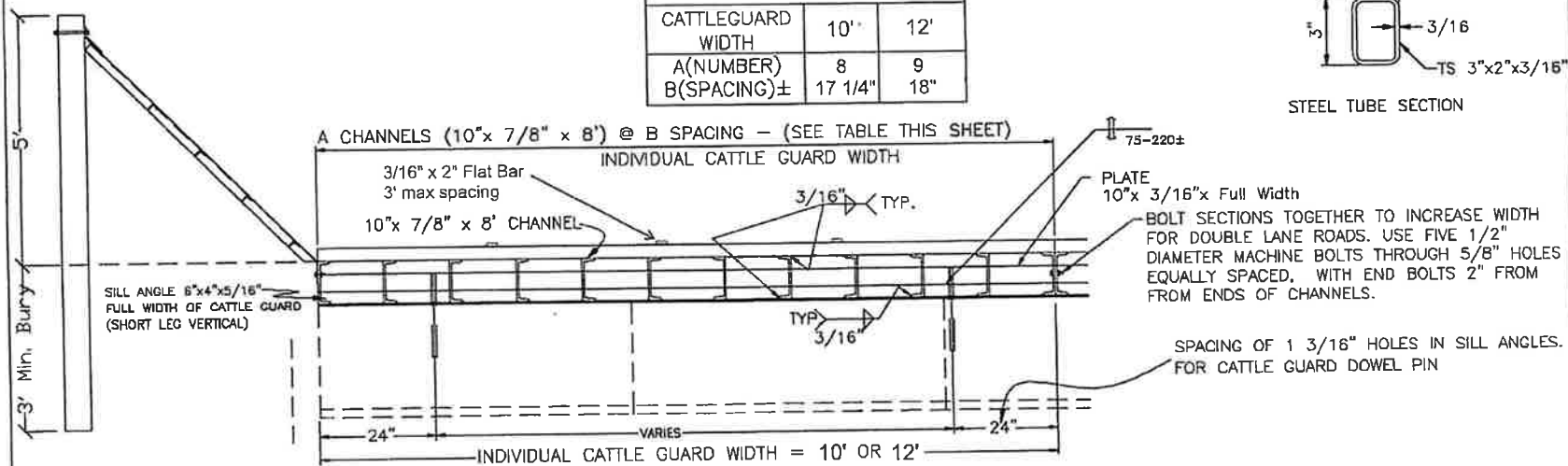
See Sheet 2

PLAN
NOT TO SCALE

MAXIMUM CHANNEL SPACING HS20 LOADING		
CATTLEGUARD WIDTH	10'	12'
A(NUMBER)	8	9
B(SPACING)±	17 1/4"	18"



STEEL TUBE SECTION



ELEVATION
NOT TO SCALE

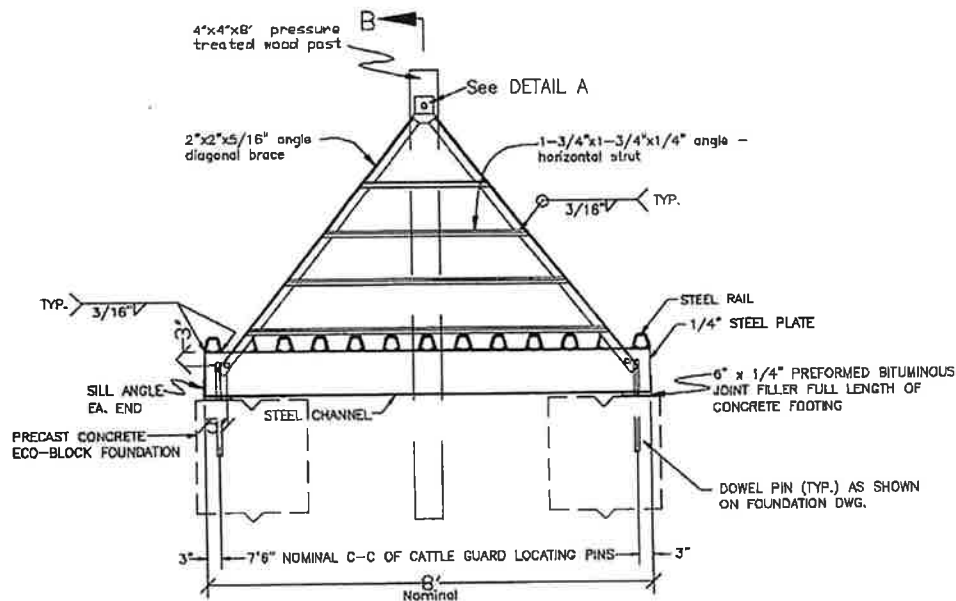
NOTE:
This drawing is to be used as a guide. All dimensions are nominal. Cattle Guard shall be approved by Morrow County prior to purchase. Refer to Instrument No. M-43673 filed in the Records of the Morrow County Clerk's Office, titled "MORROW COUNTY POLICY FOR PRIVATE CATTLE GUARD WITHIN COUNTY ROAD R/W"



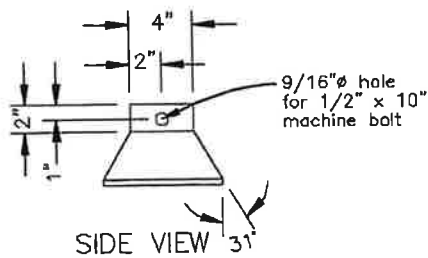
PUBLIC WORKS DEPARTMENT
Divided General Maintenance Road Department Parks Waste Management

CATTLE GUARD
Sheet 1 of 2

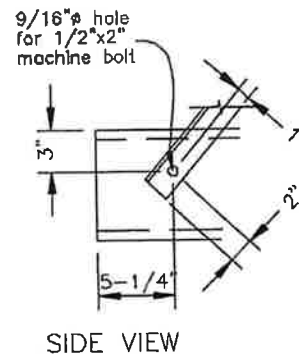
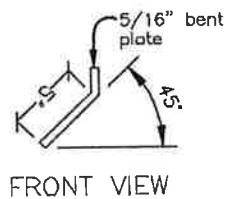
Rev 09-21-20



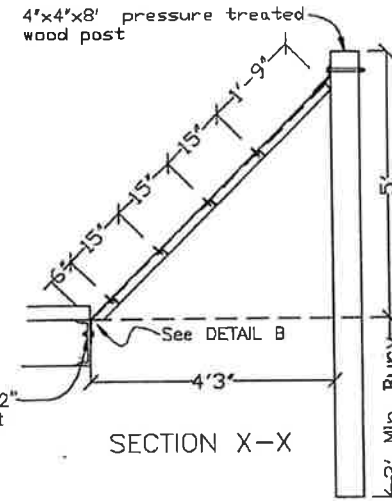
SECTION A-A
NOT TO SCALE



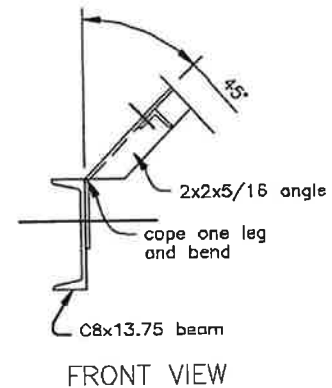
DETAIL A



DETAIL B



ANGLE IRON END WING



PUBLIC WORKS DEPARTMENT
Airport General Maintenance Road Department Parks Waste Management

CATTLE GUARD
Sheet 2 of 2
Rev 09-21-20



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #
 59

Please complete for each agenda item submitted for consideration by the Board of Commissioners
 (See notations at bottom of form)

Presenter at BOC: Gregg Zody
 Department: Community Development
 Short Title of Agenda Item:

Phone Number (Ext): 5605
 Requested Agenda Date: 10/28/20

(No acronyms please)

Notice of Grant Opportunity for Off-System Paths

This Item Involves: (Check all that apply for this meeting.)

- | | |
|---|---|
| <input type="checkbox"/> Order or Resolution | <input type="checkbox"/> Appointments |
| <input type="checkbox"/> Ordinance/Public Hearing: | <input type="checkbox"/> Update on Project/Committee |
| <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading | <input checked="" type="checkbox"/> Consent Agenda Eligible |
| <input type="checkbox"/> Public Comment Anticipated: | <input type="checkbox"/> Discussion & Action |
| Estimated Time: | Estimated Time: |
| <input type="checkbox"/> Document Recording Required | <input type="checkbox"/> Purchase Pre-Authorization |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Other |

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:

Contractor/Entity Address:

Effective Dates – From:


Through:

Total Contract Amount:

Budget Line:

Does the contract amount exceed \$5,000? Yes No

Reviewed By:



 DATE: 10/26/2020 Department Director

Required for all BOC meetings



 DATE: 10/26/2020 Administrator

Required for all BOC meetings

 DATE: _____ County Counsel

*Required for all legal documents

 DATE: _____ Finance Office

*Required for all contracts; other items as appropriate.

 DATE: _____ Human Resources

*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Staff recently received notice from Oregon Community Paths program that are accepting letters of intent for "off-system" paths that, according to the attachment, are bike/pedestrian paths not primarily on or along a roadway. Instead, the projects could include:

Traverse a park;

Go between housing developments;

Go along greenways or old rail lines;

Are located in areas that are not otherwise within the public right of way.

While staff does not have a shovel-ready project, I think it's worthy of the BOC's consideration to at the very least, submit a proposal. I think exploring the further development of the Heritage Trail is worthwhile; and on another note, developing a pathway from Heppner to Ione. While the latter is more of a staff pipedream, it certainly cannot hurt to submit either project. At the very least, these applications would signal to the State that Morrow County has interest and identified project areas for future funding consideration.

The deadline for the online letter of intent is October 31st.

2. FISCAL IMPACT:

None at this stage of the process.

3. SUGGESTED ACTION(S)/MOTION(S):

BOC approval to allow staff to submit a letter of intent by the October 31st deadline.

Attach additional background documentation as needed.

We only use cookies that are necessary for this site to function, and to provide you with the best experience. Learn more in our [Cookie Statement](#). By continuing to use this site, you consent to the use of cookies.

3

Receive Updates Enter Email Address

Go



Letter of Intent required for new Oregon Community Paths program; webinar tomorrow

Oregon Department of Transportation sent this bulletin at 10/13/2020 09:39 AM PDT

Having trouble viewing this email? [View it as a Web page.](#)



Oregon Community Paths

Funds for "off-system" paths will be awarded; letter of intent required by 10/31

October 13, 2020

Dear Active Transportation partners,

We want to remind you to submit your [Letter of Intent](#) for ODOT's [Oregon Community Paths grant program by 11:59 p.m., Saturday, October 31](#). This is a requirement in order to apply for the grant program. This form is fairly short and can be filled out quickly. If you are not sure about some aspects of your project idea (which is understandable and acceptable at this point!) go ahead and submit your best guess. The final application (due January 31) is the document that must be completely accurate.

Click [here](#) for the online Letter of Intent, due October 31.

Background

Oregon Community Paths, or OCP, is a new funding program that invests in facilities that are not primarily on or along a roadway. These "off-system" paths may be bike/pedestrian paths or path segments that:

- Traverse a park.
- Go between housing developments.
- Go along greenways or old rail lines.
- Are located in areas that are not otherwise within the public right of way.

Who is eligible?

Eligible applicants include cities, counties, federally recognized tribes, school or transportation districts, and non-profit entities with support from local government agencies.

Where is the funding from?

We are using funds from the state Multimodal Active Transportation fund, initiated in the Keep Oregon Moving (HB 2017) legislation, and federal Transportation Alternatives Program fund for this program.

What are we trying to achieve?

Our goal is to complement existing active transportation programs in communities across the state.

Oregon's Strategic Action Plan prioritizes building, maintaining and operating a modern, multimodal transportation system to serve all Oregonians, address climate change, and help Oregon communities and economies thrive. OCP supports that plan by increasing bicyclist and pedestrian safety, reducing the impact on the climate, increasing connectivity, and increasing opportunities for people of all ages, abilities, race, ethnicities, and incomes in urban, suburban and rural areas across the state to bike or walk to reach their destinations. It increases multimodal transportation options and helps ensure transportation-disadvantaged communities are served and included in decision making.

What's next?

We are accepting applications this fall and will notify everyone through email and other announcements. For more information, please sign up for one of our webinars, or contact Alan Thompson, PATHS Program manager, 503-986-7202 or Alan.L.Thompson@odot.state.or.us.

Key dates

- **October 1 – October 31:** Complete your REQUIRED online [Letter of Intent](#).
- **THIS WEDNESDAY, October 14, 9 a.m. – 10 a.m.:** We're hosting an online Question & Answer session to help applicants complete the online Letter of Intent form and the online OCP Grant Application. *You must register in advance.* Contact Alan.L.Thompson@odot.state.or.us to register.
- **November 1 – January 31, 2021:** We will accept **applications** for Construction or Project Refinement grants. *Potential applicants must submit a Letter of Intent and be deemed eligible before applying.*
- **Summer 2021:** Projects will be awarded.

Thank you for your interest in biking and walking in Oregon!

The Oregon Community Paths team

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Oregon Department of Transportation

355 Capitol Street NE, MS 11
Salem, OR , 97301-3871 USA

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ROAD REPORT OCTOBER 2020

FALL BLADING OPERATIONS: Fall blading continues. Grader operators are doing what they can in these dry conditions. There are problem spots that will be attacked when moisture arrives.

WILLOW CREEK: The crew has placed shoulder rock on Willow Creek between Blake Ranch Rd. and Cutsforth Park. We moved to the lower country due to equipment logistics and hope to finish this section in November if the weather cooperates.

BASELINE: The shoulder rock portion of the (west) Baseline paving/chip seal project has been completed.

MCNAB: The shoulder rock portion of the McNab paving project has been completed.

TOWN OF LEXINGTON: Shoulder rock has been placed on streets in Lexington following their paving project.

BOMBING RANGE: The crew has begun placing shoulder rock on Bombing Range. The project section begins near the transfer station finishing approximately 4 miles south.

LEXINGTON SAND/EQUIPMENT SHED: The sand/equipment shed electrical is powered up and the building is illuminated. The garage doors are being built and will be installed upon delivery.

RETIRED EQUIPMENT: The Public Works Department has been organizing retired equipment in preparations of a silent auction that will take place in the near future. Equipment not sold will be hauled to State Surplus in Salem. Anything not sold that has little to no value will be hauled to the scrap yard in Hermiston.

ROAD SIGN REPAIR: Crew members continue making sign repairs around the county as needed.

OLD MILL SITE STORAGE: All County equipment and materials have been moved out of the old mill site. Matt completed a walk through with a Port of Morrow representative approving our cleanup efforts.

WINTER PREPARATIONS: We are preparing snow and ice removal equipment for the winter months. The sand shed is well stocked with dry sanding material.

PERMITS: Following are the permits approved during the month of October.

<u>268/268a</u>	656	Paul Smith Road	Joseph Taylor	Approach		09/03/2020	10/05/2020
<u>269/269a</u>	526	Johnson Grade Road	Richard & Sylvia Sandford	Approach		09/24/2020	10/05/2020
<u>271/271a</u>	936	Laurel Road	The Port of Morrow	Approach	Pipeline connection under southbound lane	10/13/2020	10/15/2020



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
6c

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Lindsay Grogan
Department: Human Resources
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): 5620
Requested Agenda Date: 10/28/2020

Human Resources Quarterly Report

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time:
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:
Lindsay Grogan 10/21/2020 Department Director Required for all BOC meetings
Administrator Required for all BOC meetings
County Council *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Lindsay Grogan 10/21/2020 Human Resources *If appropriate
*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Council, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Human Resource Quarterly Report. Please see enclosed for written report.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Attach additional background documentation as needed.



P.O. Box 593
Heppner, Oregon 97836-0412
(541) 676-5620

HUMAN RESOURCES

Lindsay Grogan
Manager
lgrogan@co.morrow.or.us

MEMORANDUM

TO: Board of Commissioners
THROUGH: Darrell Green, County Administrator
FROM: Lindsay Grogan
SUBJECT: Human Resource Quarterly Report
DATE: October 28, 2020

Recruitment

1. The Planning Director position was filled last month with Tamra Mabbott who has returned to Morrow County with ease.
2. Public Health Director position was very recently awarded to candidate Carla Bacon. Carla has a doctorate in Public Health and multiple years of Public Health Director experience. She will be joining us the beginning of November.
3. We hired a County Surveyor to start on December 1st. Matt Kenny comes from the Umatilla County Surveyors office and will be a great asset to our team.
4. Still recruiting for Public Health Nurse 'Maternal/Child Home Health Visitation' with no applications received. But have filled a vacant Nurse position with Ian Murray. The CD Coordinator position has also been filled with Ana Pineyro. Both Ian and Ana have hit the ground running for the Health Department and are a great addition.
5. The new Loop Dispatcher, Heidi Turrell has been with the County for three months and has been an excellent plus to Katie's team.
6. We have filled 6 driver positions for the Loop and looking to fill one more position in Heppner.
7. Patrol Deputy testing and interviews were performed on 10/15/2020. An offer was made and accepted pending a background check. I want to commend the Sheriff's Office for doing a great job with their recruiting process.

Payroll

1. Open Enrollment is underway and will be open on CIS from October 12th to October 30th.
2. Creating overheads for the FTE ask and Reclass Process
3. A job title change was issued for Ronda Fox to accurately show her change from Finance to Human Resources. She was previously the Finance Management Assistant and is now



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HUMAN RESOURCES

Lindsay Grogan
Manager
lgrogan@co.morrow.or.us

4. the Payroll and Benefits Administrator.

Additional

1. Diane Kilkenny will be retiring effective November 2nd but has been gracious enough to offer her expertise to train the new Public Health Director. Diane has a true passion for what she does and has done a wonderful job in the Public Health sector for Morrow County.
2. Alan Gregory is retiring tomorrow! He has provided over 30 years of service to the County. The Road crew will miss you and we want to congratulate you as you start a new chapter in your life.
3. Katie Imes, CIS rep Kurt Chapman, and myself have completed a full FTA compliant drug and alcohol policy for The Loop. This policy is needed to receive federal funding for the Special Transportation department.
4. The PERS application has been accepted and submitted. HR will be starting training for the PERS plan in order to support Teamster employees.
5. FTE ask and Reclass is underway with several requests.
6. We are working on creating a new Employee Handbook. This is a 60+ page document that will need reviewed by the BOC.
7. HR continues to support employees through the COVID-19 pandemic. Thank you to Eric Imes for supplying the disinfectant and cleaning supplies.

Morrow County Health Department Quarterly Update 7/22/20

Morrow County is pleased to announce the selection of Carla Bacon for the position of Public Health Director. Carla has a double Master's in Public Health and Business Administration. She is also currently working toward her Doctorate in Public Health Leadership. She has worked in Public Health for over a decade, and most recently served as the Public Health Director in Klickitat County. We are excited to have Carla's knowledge and experience joining us the first part of November.

COVID-19

As of Monday AM, 10-26-20

Confirmed cases 545

Oregon Health Authority COVID-19 Vaccination Plan Interim Draft 10/16/20; Oregon Health Authority is assembling a state organizational structure for response and recovery for COVID vaccine distribution and vaccination. A new division is the COVID-19 Response and Recovery Unit (CRRU) a temporary division. Strategizing supply chains, prioritizing high risk populations, equity, co

ordination and shared resources. CRRU shifted from COVID crisis command structure to a sustainable CCUR model for 18-24 months.

Positive cases have been trending down.

Total cases for Morrow County	545	
379	Boardman	
142	Irrigon	
12	Heppner	
9	Lexington	
3	Ione	
2	Hospitalizations	
7	Death	
	Week 10/18 – 10/24	5 cases
	Week 10/11- 10/17	8 cases
	Week 10/4 - 10/10	11 cases
	Week 9/27 – 10/3	22 cases

Staffing for COVID-19: Basically, everyone in some capacity.

Diane Kilkenny RN Interim Health Department Director

Ana Pineyro CD /Preparedness Coordinator. Bilingual/Bicultural, Lead Covid CD Investigator, Contact Tracing, Preparedness for COVID , monitoring COVID data for accuracy and completeness.

Ian Murray CARE/School RN. CD Investigations, Contact Tracing

Patricia Ortiz CARE Coordinator, Community Based Organization Liaison Bilingual/Bicultural, CD Investigations, Contact Tracing

Yuritzi Elia Home Visiting Interpreter Bilingual/Bicultural, Persons Under Monitoring

Juana Meraz Office Assistant Bilingual/Bicultural, Persons Under Monitoring

Vickie Turrell- Contact Tracing, data entry, fiscal monitoring of COVID costs.

Deb Green. Billing, monitoring faxes, Coordinating questions and referrals for the COVID Team, communications

MOU with Umatilla County for additional support for CD investigations and contact tracing as needed. Expires 12-30-20 This is a regional resource funded through the Public Health modernization grant.

MOU before the Board of Commissioners for Community Based Organizations Euvalcree, Doulas Latina International.

Electronic Health Record

Patagonia Electronic Health Record Team: Patricia Ortiz, Vickie Turrell, Deb Green, Diane Kilkenny

The training go live date is 12/8.9.10/20.

SCHOOL REOPENING

School COVID Team: Ian Murray, Patricia Ortiz, Ana Pineyro, Yvonne Morter, Diane Kilkenny

Morrow County Health department has been working closely with Morrow County Schools doing COVID surveillance and monitoring in the student and staff populations. The health department has a very experienced COVID staff that has daily and weekly calls with school staff and administration answering all COVID questions. Preparation discussions for Reopening Schools have been taking place over the last 3 weeks. Using the Oregon Department of Education Following the Metrics, Criteria for In-Person Instruction Morrow County has met the metrics for Smaller Population Counties with a population of 30,000 of equal or less. Total county Covid cases in the last 3 weeks is equal to or less than 30 with less than half of the remaining cases (or 5 or less) reported in the last week of the 3-week period. As you can see from the metrics above we have met this criteria. Morrow County Schools will be opening with in person instruction using a hybrid model.

Fall FLU and Immunizations: Deb Green, Patricia Ortiz, Vickie Turrell, Juana Meraz, Yvonne Morter, Ian Murray, Ana Pineyro, Michelle Quiriconi, Diane Kilkenny

School immunization surveillance has started with immunization review of Morrow County Schools. Telephone calls to parents notifying and referring to clinics for students needing vaccinations. There is worry of school vaccination rates dropping due to COVID-19 and parents not accessing clinics. The health department has been offering drive up immunizations at both clinic sites on Monday and Tuesdays in Boardman and Wednesdays in Heppner.

Drive through Flu clinics have taken place in Boardman, Irrigon, Ione and Heppner. More are in the planning stage. We are seeing clients we have never seen at our clinics before. The feedback has been very positive.

Community Based Organizations partnering and attending Drive through Flu PODs: Euvalcree dropped off PPE for the first POD in Boardman

FLU vaccinations given

9-23-20 Heppner Drive Up: 70

9-25-20 Heppner Sr. Center: 12

9-29-20 Boardman Drive Up: 18

9-30-20 Heppner Drive Up: 40

10-7-20 Heppner Drive Up: 25

10-9-20 Boardman Drive Up: 76

10-16-20 Irrigon Drive Up: 124

10-21-20 Ione Drive Up: 41

Boardman Roster 9-15 until present : 67 Flu shots

Heppner Roster 9-15 until present: 49 Flu Shots

Ione : 9-15 until present : 25 shots

Total to date: 547

Weed Department Quarterly Report for July-September 2020

During the summer months, monitoring and spraying high priority noxious weed locations is a main focus. Happy to report no new noxious weeds have been reported to date this year leaving more time to focus on past discoveries and cleaning them up.

I sat in on many Oregon Invasive Species Council Zoom meetings.

Funding for the Oregon Invasive Species Council (OISC) and the ODA Noxious Weed Control was hit hard by the COVID-19 pandemic. Grant programs were put on hold entirely since that money comes from OWEB who was also hit hard from diminished lottery revenues. The OISC lost most of its funding leaving it barely enough to survive. The ODA Noxious Weed Control personnel were all shifted over to the Hemp Inspection Program to take advantage of the dollars generated by the increase in acreage production. Hopefully this will all work itself out and we can back to business as usual. It has put a big strain on resources for weed control in just trying to maintain relationships with partners (Feds, State, County, Local).

An annual inspection of Arundo sites was performed with a PGE representative. I am happy to report that all sites this year were negative for Arundo and on the three year clock for eradication certification.

I assisted the Road Dept. with flagging for chip seal projects and lead the Paint Stripping crew for this year as well.

I have reviewed and consulted on the Revegetation Plan for the Wheatridge Wind Project.



OREGON
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FOR IMMEDIATE RELEASE

Contact: Anne Marie Moss, annemarie@oregonfb.org, 503.399.1701

BREAKING: Governor subverts public process with last-minute Executive Order

October 23, 2020, SALEM, OREGON: Oregon Farm Bureau is dismayed by the Governor's decision to release a last-minute Executive Order extending the rules for employer-provided agricultural housing and shocked that the Governor would add criminal penalties to the enforcement of these rules.

Adoption of the original temporary COVID-19 rules for agriculture allowed no meaningful public input and resulted from an activist petition, not from any public health or scientific experts. Using an Executive Order to extend these rules subverts the public process yet again.

There has not been an identified "outbreak" of COVID-19 in agricultural housing since the beginning of the pandemic, even before the temporary rules were adopted. OR-OSHA's data shows that of the 11,617 complaints made to the agency, and subsequent violations found, agriculture represents only 33. Almost all of these cases were minor, such as not having enough posters displayed. The Oregon Health Authority has made it clear that social gatherings off-site are the major driver of continued spread of COVID-19, not on-farm employment and housing.

Outbreaks are actively occurring off-site in community-based and other housing. Because of bed-spacing, prohibition of bunk beds, and other technical requirements, the temporary rules reduced the amount of safe on-farm housing and pushed employees out into unregulated environments. Farmworker advocates acknowledge that community-based and off-site housing doesn't require social distancing, yet this housing has not been the subject of increased regulation, scrutiny, or criminal penalties. OFB agrees with the need to mitigate the spread of COVID-19 in housing, but believes there is a way to protect employees without displacing them.

The Governor's staff informed agricultural leaders of the Executive Order less than 24 hours before it was to be issued and would not share the text of the order with just hours to go before implementation. The use of an 11th hour Executive Order guarantees that no official public comment will be heard, no stakeholder perspectives will be taken into account, and it also subverts the requirements of the Oregon Administrative Procedures Act.

Oregon's farm families and the organizations that represent them have been working to make a positive difference in the fight against COVID-19 since March, including proactively discussing

Oregon Farm Bureau ~ 1320 Capitol St. NE, Suite 200, Salem, OR 97301 ~ oregonfb.org ~ 503.399.1701

with OR-OSHA how best to protect farmworkers during this crisis. The state's unfounded focus on agriculture hurts both farmers and their employees, while also diverting resources away from areas where COVID-19 spread is actually occurring.

Executive Orders must be reserved for true public health emergencies, not the subversion of public process. We are disappointed with today's release of an Executive Order that will do little to promote the health and wellbeing of our most vulnerable communities and circumvents the required public process.

###

"Farm Bureau" is a registered trademark; please capitalize in all cases.

Oregon Farm Bureau (OFB) is a grassroots, nonpartisan, nonprofit, general farm organization representing the interests of farming and ranching families in the public and policymaking arenas. First established in Oregon at the county level in 1919 and the state level in 1932, Farm Bureau is organized in all 36 counties.

Oregon Farm Bureau President Barb Iverson comes from a multigenerational family farm from Woodburn, raising industrial hemp, grass seed, squash, vetch seed, hazelnuts, wine and table grapes, and operating the Wooden Shoe Tulip Festival, which attracts over 160,000 visitors each year. Iverson is OFB's 17th president.

Orchard Wind Project

OCTOBER 2020 PROJECT UPDATES

ZERO RECORDABLE INCIDENTS FOR THE MONTH OF SEPTEMBER
KEPT OUR TEAMS SAFE DURING THE HIGH AQI DAYS OF LAST MONTH
INCREASED NUMBER OF SECURITY GUARDS ONSITE

Health and Safety

- The Wood team continues to perform and record temperature checks at site entrance for all attendees.
- To date no reported case of high fever or other COVID related symptoms
- Guards provide site security 24/7
- Site has security lights all around the laydown yard to help with night visibility
- Water trucks provide dust control daily



Construction Summary

- Continued receiving turbine components
- Began rotor assembly on East String
- Completed setting Down-Tower-Assemblies
- Continued turbine erection
- Installed first rotor at CH-7
- Began fiber installation on homeruns
- Began Down-Tower-Assembly terminations
- Very-Low-Frequency testing of cables is almost complete

Weeks Ahead

- Complete fiber installation
- Complete offload of component deliveries
- Continue turbine erection
- Install FAA lights on completed turbines
- Install septic system
- Continue maintenance of crane paths and crane pads



For questions concerning construction, contact:

Gary Dean Nelson

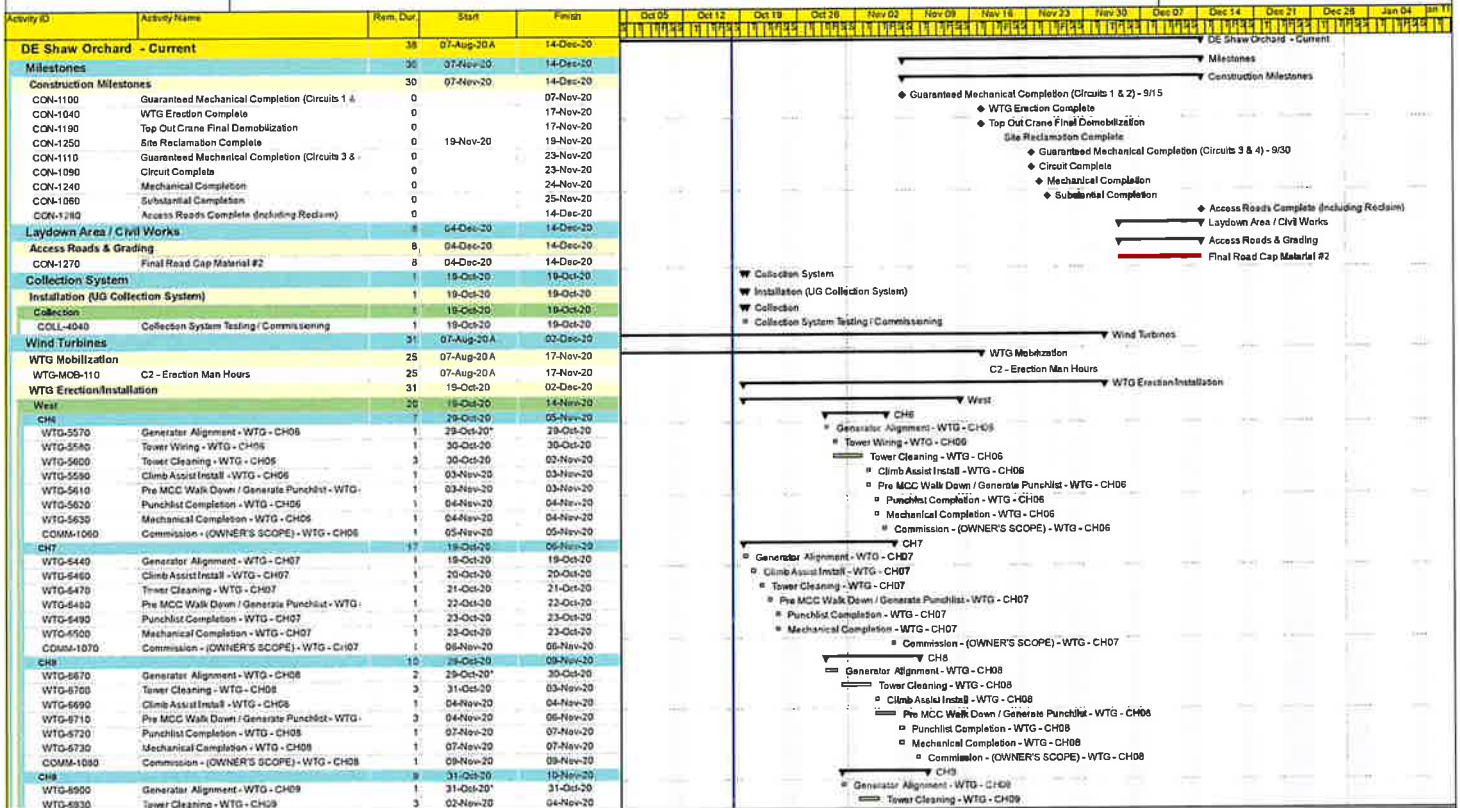
701-339-3529

Gary.nelson@woodplc.com

Project Start: 03-Sep-19
Project Finish: 14-Dec-20

19-5 - (Schedule Update)
DE Shaw Orchard - Current

Current Date: 20-Oct-20 ; 09:28
Data Date: 18-Oct-20



Project Start: 03-Sep-19
Project Finish: 14-Dec-20

19-5 - (Schedule Update)
DE Shaw Orchard - Current

Current Date: 20-Oct-20 ; 09:28
Data Date: 18-Oct-20

Activity ID	Activity Name	Item Qty	Start	Finish	Oct 05	Oct 12	Oct 19	Oct 26	Nov 02	Nov 09	Nov 16	Nov 23	Nov 30	Dec 07	Dec 14	Dec 21	Dec 28	Jan 04	Jan 11	
WTG-8920	Climb Assist Install - WTG - CH09	1	05-Nov-20	05-Nov-20																
WTG-8940	Pre MCC Walk Down / Generate Punchlist - WTG -	1	05-Nov-20	05-Nov-20																
WTG-8950	Punchlist Completion - WTG - CH09	1	06-Nov-20	06-Nov-20																
WTG-8960	Mechanical Completion - WTG - CH09	1	06-Nov-20	06-Nov-20																
COMM-1090	Commission - (OWNER'S SCOPE) - WTG - CH09	1	10-Nov-20	10-Nov-20																
CH12		10	31-Oct-20	31-Nov-20																
WTG-7130	Generator Alignment - WTG - CH12	1	31-Oct-20	31-Oct-20																
WTG-7150	Climb Assist Install - WTG - CH12	1	02-Nov-20	02-Nov-20																
WTG-7160	Tower Cleaning - WTG - CH12	3	03-Nov-20	05-Nov-20																
WTG-7170	Pre MCC Walk Down / Generate Punchlist - WTG -	1	06-Nov-20	06-Nov-20																
WTG-7180	Punchlist Completion - WTG - CH12	1	07-Nov-20	07-Nov-20																
WTG-7190	Mechanical Completion - WTG - CH12	1	07-Nov-20	07-Nov-20																
COMM-1100	Commission - (OWNER'S SCOPE) - WTG - CH12	1	11-Nov-20	11-Nov-20																
CH13		9	02-Nov-20	12-Nov-20																
WTG-7300	Generator Alignment - WTG - CH13	1	02-Nov-20	02-Nov-20																
WTG-7380	Tower Cleaning - WTG - CH13	3	03-Nov-20	05-Nov-20																
WTG-7390	Climb Assist Install - WTG - CH13	1	06-Nov-20	06-Nov-20																
WTG-7400	Pre MCC Walk Down / Generate Punchlist - WTG -	1	06-Nov-20	06-Nov-20																
WTG-7410	Punchlist Completion - WTG - CH13	1	07-Nov-20	07-Nov-20																
WTG-7420	Mechanical Completion - WTG - CH13	1	07-Nov-20	07-Nov-20																
COMM-1110	Commission - (OWNER'S SCOPE) - WTG - CH13	1	12-Nov-20	12-Nov-20																
CH14		21	31-Oct-20	18-Nov-20																
WTG-7600	Tower Wiring - WTG - CH14	1	21-Oct-20	21-Oct-20																
WTG-7610	Climb Assist Install - WTG - CH14	1	22-Oct-20	22-Oct-20																
WTG-7620	Tower Cleaning - WTG - CH14	1	23-Oct-20	23-Oct-20																
WTG-10010	Top Out - Rotor - WTG - CH14	2	22-Oct-20	23-Oct-20																
WTG-7650	Generator Alignment - WTG - CH14	1	24-Oct-20	24-Oct-20																
WTG-7630	Pre MCC Walk Down / Generate Punchlist - WTG -	1	24-Oct-20	24-Oct-20																
WTG-7640	Punchlist Completion - WTG - CH14	1	26-Oct-20	26-Oct-20																
WTG-7650	Mechanical Completion - WTG - CH14	1	26-Oct-20	26-Oct-20																
COMM-1120	Commission - (OWNER'S SCOPE) - WTG - CH14	1	13-Nov-20	13-Nov-20																
CH15		23	20-Oct-20	14-Nov-20																
WTG-10050	Top Out - Nacelle - WTG - CH15	1	20-Oct-20	20-Oct-20																
WTG-7810	Top Out - Top Can - WTG - CH15	1	20-Oct-20	20-Oct-20																
WTG-10060	Top Out - Rotor - WTG - CH15	1	21-Oct-20	21-Oct-20																
WTG-7830	Tower Wiring - WTG - CH15	2	22-Oct-20	23-Oct-20																
WTG-7820	Generator Alignment - WTG - CH15	1	24-Oct-20	24-Oct-20																
WTG-7840	Climb Assist Install - WTG - CH15	1	24-Oct-20	24-Oct-20																
WTG-7850	Tower Cleaning - WTG - CH15	3	26-Oct-20	28-Oct-20																
WTG-7860	Pre MCC Walk Down / Generate Punchlist - WTG -	1	26-Oct-20	28-Oct-20																
WTG-7870	Punchlist Completion - WTG - CH15	1	30-Oct-20	30-Oct-20																
WTG-7880	Mechanical Completion - WTG - CH15	1	30-Oct-20	30-Oct-20																
COMM-1130	Commission - (OWNER'S SCOPE) - WTG - CH15	1	14-Nov-20	14-Nov-20																
East		28	18-Oct-20	02-Dec-20																
R20-2		28	23-Oct-20	24-Nov-20																
WTG-8000	Prep/Stage & Set Generator - WTG - R20-2	1	23-Oct-20	23-Oct-20																
WTG-8010	Erect Base/Mid - WTG - R20-2	1	24-Oct-20	24-Oct-20																
WTG-8020	Grout - WTG - R20-2	1	26-Oct-20	26-Oct-20																
WTG-10090	Rotor Build - WTG - R20-2	1	26-Oct-20	28-Oct-20																
WTG-8030	Grout Cure - WTG - R20-2	1	27-Oct-20	27-Oct-20																
WTG-10120	Tension - WTG - R20-2	1	27-Oct-20	27-Oct-20																
WTG-10110	Top Out - Rotor - WTG - R20-53	0	17-Nov-20	17-Nov-20																
WTG-8040	Top Out - Top Can - WTG - R20-2	1	17-Nov-20	17-Nov-20																
WTG-10100	Top Out - Nacelle - WTG - R20-2	1	17-Nov-20	17-Nov-20																

Actual Work ◆ Milestone
Remaining Work ▼ Summary
Critical Remaining (TF <= 5 Days)

TASK filters: In Progress, Not Started.

Project Start: 03-Sep-19
Project Finish: 14-Dec-20

19-5 - (Schedule Update)
DE Shaw Orchard - Current

Current Date: 20-Oct-20 ; 09:28
Data Date: 18-Oct-20

Activity ID	Activity Name	Item Qty	Start	Finish	Oct 05	Oct 12	Oct 19	Oct 26	Nov 02	Nov 09	Nov 16	Nov 23	Nov 30	Dec 07	Dec 14	Dec 21	Dec 28	Jan 04	Jan 11
WTG-8050	Generator Alignment - WTG - R20-2	1	18-Nov-20	18-Nov-20															
WTG-8050	Tower Wiring - WTG - R20-2	1	18-Nov-20	18-Nov-20															
WTG-8070	Climb Assist Install - WTG - R20-2	1	19-Nov-20	19-Nov-20															
WTG-8080	Tower Cleaning - WTG - R20-2	1	20-Nov-20	20-Nov-20															
WTG-8090	Pre MCC Walk Down / Generate Punchlist - WTG	1	20-Nov-20	21-Nov-20															
WTG-8100	Punchlist Completion - WTG - R20-2	1	21-Nov-20	23-Nov-20															
WTG-8110	Mechanical Completion - WTG - R20-2	1	21-Nov-20	23-Nov-20															
COMM-1143	Commission - (OWNER'S SCOPE) - WTG - R20-2	1	23-Nov-20	24-Nov-20															
R20-3		30	22-Oct-20	25-Nov-20															
WTG-8230	Prep Stage & Set Generator - WTG - R20-3	1	22-Oct-20	22-Oct-20															
WTG-8240	Erect Base Mid - WTG - R20-3	1	23-Oct-20	23-Oct-20															
WTG-8250	Grout - WTG - R20-3	1	24-Oct-20	24-Oct-20															
WTG-10140	Rotor Build - WTG - R20-3	1	24-Oct-20	24-Oct-20															
WTG-8260	Grout Cure - WTG - R20-3	1	25-Oct-20	25-Oct-20															
WTG-10170	Tension - WTG - R20-3	1	25-Oct-20	28-Oct-20															
WTG-8270	Top Out - Top Can - WTG - R20-3	1	14-Nov-20	16-Nov-20															
WTG-10150	Top Out - Nacelle - WTG - R20-3	1	14-Nov-20	16-Nov-20															
WTG-10160	Top Out - Rotor - WTG - R20-3	1	16-Nov-20	17-Nov-20															
WTG-8280	Generator Alignment - WTG - R20-3	1	17-Nov-20	17-Nov-20															
WTG-8290	Tower Wiring - WTG - R20-3	1	17-Nov-20	18-Nov-20															
WTG-8300	Climb Assist Install - WTG - R20-3	1	18-Nov-20	18-Nov-20															
WTG-8310	Tower Cleaning - WTG - R20-3	1	19-Nov-20	20-Nov-20															
WTG-8320	Pre MCC Walk Down / Generate Punchlist - WTG	1	20-Nov-20	21-Nov-20															
WTG-8330	Punchlist Completion - WTG - R20-3	1	21-Nov-20	23-Nov-20															
WTG-8340	Mechanical Completion - WTG - R20-3	1	21-Nov-20	23-Nov-20															
COMM-1150	Commission - (OWNER'S SCOPE) - WTG - R20-3	1	24-Nov-20	25-Nov-20															
R20-4		32	21-Oct-20	26-Nov-20															
WTG-8450	Prep Stage & Set Generator - WTG - R20-4	1	21-Oct-20	21-Oct-20															
WTG-8470	Erect Base Mid - WTG - R20-4	1	22-Oct-20	22-Oct-20															
WTG-8480	Grout - WTG - R20-4	1	23-Oct-20	23-Oct-20															
WTG-10180	Rotor Build - WTG - R20-4	1	23-Oct-20	23-Oct-20															
WTG-8460	Grout Cure - WTG - R20-4	1	24-Oct-20	24-Oct-20															
WTG-10220	Tension - WTG - R20-4	1	24-Oct-20	24-Oct-20															
WTG-8500	Top Out - Top Can - WTG - R20-4	1	13-Nov-20	13-Nov-20															
WTG-10200	Top Out - Nacelle - WTG - R20-4	1	13-Nov-20	13-Nov-20															
WTG-10210	Top Out - Rotor - WTG - R20-4	1	13-Nov-20	14-Nov-20															
WTG-8510	Generator Alignment - WTG - R20-4	1	14-Nov-20	16-Nov-20															
WTG-8520	Tower Wiring - WTG - R20-4	1	16-Nov-20	17-Nov-20															
WTG-8530	Climb Assist Install - WTG - R20-4	1	17-Nov-20	17-Nov-20															
WTG-8540	Tower Cleaning - WTG - R20-4	1	17-Nov-20	18-Nov-20															
WTG-8550	Pre MCC Walk Down / Generate Punchlist - WTG	1	18-Nov-20	19-Nov-20															
WTG-8560	Punchlist Completion - WTG - R20-4	1	19-Nov-20	20-Nov-20															
WTG-8570	Mechanical Completion - WTG - R20-4	1	19-Nov-20	20-Nov-20															
COMM-1160	Commission - (OWNER'S SCOPE) - WTG - R20-4	1	25-Nov-20	26-Nov-20															
R20-5		34	20-Oct-20	23-Nov-20															
WTG-8750	Prep Stage & Set Generator - WTG - R20-5	1	20-Oct-20	20-Oct-20															
WTG-8760	Erect Base Mid - WTG - R20-5	1	21-Oct-20	21-Oct-20															
WTG-8710	Grout - WTG - R20-5	1	22-Oct-20	22-Oct-20															
WTG-10240	Rotor Build - WTG - R20-5	1	22-Oct-20	22-Oct-20															
WTG-8720	Grout Cure - WTG - R20-5	1	23-Oct-20	23-Oct-20															
WTG-10270	Tension - WTG - R20-5	1	23-Oct-20	23-Oct-20															
WTG-8730	Top Out - Top Can - WTG - R20-5	1	10-Nov-20	11-Nov-20															
WTG-10250	Top Out - Nacelle - WTG - R20-5	1	10-Nov-20	11-Nov-20															

Actual Work ◆ Milestone
Remaining Work ▼ Summary
Critical Remaining (TF <= 5 Days)

TASK filters: In Progress, Not Started.

Project Start: 03-Sep-19
Project Finish: 14-Dec-20

19-5 - (Schedule Update)
DE Shaw Orchard - Current

Current Date: 20-Oct-20 ; 09:28
Data Date: 18-Oct-20

Activity ID	Activity Name	Rem. Dur	Start	Finish	Oct 05	Oct 12	Oct 19	Oct 26	Nov 02	Nov 09	Nov 16	Nov 23	Nov 30	Dec 07	Dec 14	Dec 21	Dec 28	Jan 04	Jan 11	
WTG-10260	Top Out - Rotor - WTG - R20-5	1	11-Nov-20	11-Nov-20																
WTG-8740	Generator Alignment - WTG - R20-5	1	12-Nov-20	12-Nov-20																
WTG-8750	Tower Wiring - WTG - R20-5	1	12-Nov-20	13-Nov-20																
WTG-8760	Climb Assist Install - WTG - R20-5	1	13-Nov-20	13-Nov-20																
WTG-8770	Tower Cleaning - WTG - R20-5	1	14-Nov-20	14-Nov-20																
WTG-8780	Pre MCC Walk Down / Generate Punchlist - WTG - R20-5	1	16-Nov-20	16-Nov-20																
WTG-8790	Punchlist Completion - WTG - R20-5	1	17-Nov-20	17-Nov-20																
WTG-8800	Mechanical Completion - WTG - R20-5	1	17-Nov-20	17-Nov-20																
COMM-1170	Commission - (OWNER'S SCOPE) - WTG - R20-5	1	26-Nov-20	27-Nov-20																
R20-7		26	19-Oct-20	26-Nov-20																
WTG-8920	Prep Stage & Set Generator - WTG - R20-7	1	19-Oct-20	19-Oct-20																
WTG-8930	Erect Base Mid - WTG - R20-7	1	20-Oct-20	20-Oct-20																
WTG-8940	Grout - WTG - R20-7	1	21-Oct-20	21-Oct-20																
WTG-10290	Rotor Build - WTG - R20-7	1	21-Oct-20	21-Oct-20																
WTG-8950	Grout Cure - WTG - R20-7	1	22-Oct-20	22-Oct-20																
WTG-10300	Tension - WTG - R20-7	1	22-Oct-20	22-Oct-20																
WTG-8650	Top Out - Top Can - WTG - R20-7	1	07-Nov-20	08-Nov-20																
WTG-10300	Top Out - Nacelle - WTG - R20-7	1	07-Nov-20	08-Nov-20																
WTG-10310	Top Out - Rotor - WTG - R20-7	1	08-Nov-20	10-Nov-20																
WTG-8970	Generator Alignment - WTG - R20-7	1	10-Nov-20	10-Nov-20																
WTG-8980	Tower Wiring - WTG - R20-7	1	10-Nov-20	11-Nov-20																
WTG-8960	Climb Assist Install - WTG - R20-7	1	11-Nov-20	12-Nov-20																
WTG-9000	Tower Cleaning - WTG - R20-7	1	12-Nov-20	13-Nov-20																
WTG-9010	Pre MCC Walk Down / Generate Punchlist - WTG - R20-7	1	13-Nov-20	14-Nov-20																
WTG-9020	Punchlist Completion - WTG - R20-7	1	14-Nov-20	16-Nov-20																
WTG-9030	Mechanical Completion - WTG - R20-7	1	14-Nov-20	16-Nov-20																
COMM-1180	Commission - (OWNER'S SCOPE) - WTG - R20-7	1	23-Nov-20	24-Nov-20																
R20-9		27	19-Oct-20	30-Nov-20																
WTG-9160	Erect Base Mid - WTG - R20-9	1	19-Oct-20	19-Oct-20																
WTG-10340	Rotor Build - WTG - R20-9	1	20-Oct-20	20-Oct-20																
WTG-10370	Tension - WTG - R20-9	1	21-Oct-20	21-Oct-20																
WTG-9190	Top Out - Top Can - WTG - R20-9	1	06-Nov-20	06-Nov-20																
WTG-10350	Top Out - Nacelle - WTG - R20-9	1	06-Nov-20	06-Nov-20																
WTG-10360	Top Out - Rotor - WTG - R20-9	1	07-Nov-20	07-Nov-20																
WTG-9200	Generator Alignment - WTG - R20-9	1	07-Nov-20	08-Nov-20																
WTG-9210	Tower Wiring - WTG - R20-9	1	08-Nov-20	10-Nov-20																
WTG-9220	Climb Assist Install - WTG - R20-9	1	10-Nov-20	10-Nov-20																
WTG-9230	Tower Cleaning - WTG - R20-9	1	10-Nov-20	11-Nov-20																
WTG-9240	Pre MCC Walk Down / Generate Punchlist - WTG - R20-9	1	11-Nov-20	12-Nov-20																
WTG-9250	Punchlist Completion - WTG - R20-9	1	12-Nov-20	13-Nov-20																
WTG-9260	Mechanical Completion - WTG - R20-9	1	12-Nov-20	13-Nov-20																
COMM-1190	Commission - (OWNER'S SCOPE) - WTG - R20-9	1	28-Nov-20	30-Nov-20																
R20-10		28	19-Oct-20	01-Dec-20																
WTG-9390	Erect Base Mid - WTG - R20-10	1	19-Oct-20	19-Oct-20																
WTG-10390	Rotor Build - WTG - R20-10	1	20-Oct-20	20-Oct-20																
WTG-10420	Tension - WTG - R20-10	1	20-Oct-20	20-Oct-20																
WTG-9420	Top Out - Top Can - WTG - R20-10	1	03-Nov-20	04-Nov-20																
WTG-10400	Top Out - Nacelle - WTG - R20-10	1	03-Nov-20	04-Nov-20																
WTG-10410	Top Out - Rotor - WTG - R20-10	1	04-Nov-20	05-Nov-20																
WTG-9430	Generator Alignment - WTG - R20-10	1	05-Nov-20	05-Nov-20																
WTG-9440	Tower Wiring - WTG - R20-10	1	05-Nov-20	06-Nov-20																
WTG-9450	Climb Assist Install - WTG - R20-10	1	06-Nov-20	07-Nov-20																
WTG-9460	Tower Cleaning - WTG - R20-10	1	07-Nov-20	08-Nov-20																

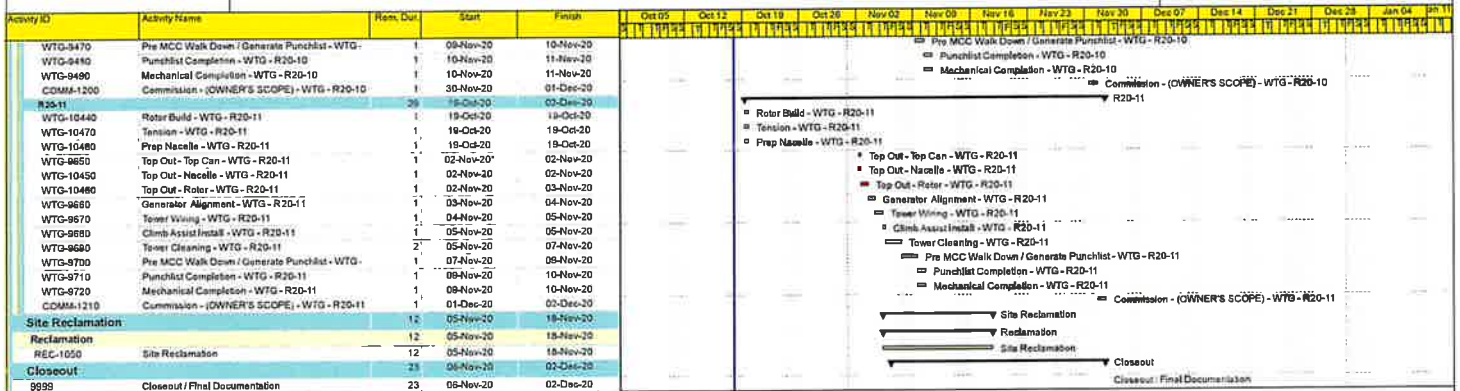
Actual Work
Remaining Work
Critical Remaining (TF <= 5 Days)

TASK ITERS: In Progress, Not Started.

Project Start: 03-Sep-19
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Current Date: 20-Oct-20 ; 09:28
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█ Actual Work
█ Remaining Work
█ Critical Remaining (TF <= 5 Days)

◆ Milestone
▼ Summary

TASK filters: In Progress, Not Started.

FOR IMMEDIATE RELEASE:

October 15, 2020

NEWS MEDIA CONTACT:

Steve Corson
503-464-8444
Steven.Corson@pgn.com

[Video b-roll is available online](#), with scenes of the Boardman Plant's construction and dedication in 1980, the current interior and exterior of the plant, and the surrounding environment and community. The plant is roughly 11 miles southwest of the City of Boardman and 10 miles from the Columbia River.

Portland General Electric announces end to coal-fired power generation in Oregon
Reduces emissions, advances journey to clean energy resource mix

PORTLAND, Ore. – Portland General Electric Company (NYSE: POR) today announced it has permanently shuttered its Boardman Generating Station in Eastern Oregon's Morrow County. The closure fulfills a groundbreaking agreement PGE reached with stakeholders, customer groups and regulators in 2010 to significantly reduce air emissions from power production in Oregon by ending operations at Boardman 20 years ahead of schedule and transitioning to cleaner energy resources. Boardman is the only coal-fired power plant in Oregon. PGE has a 90 percent ownership share of the plant. Idaho Power owns the remaining 10 percent.

"Our customers are counting on us to deliver a clean energy future," PGE President and CEO Maria Pope said. "PGE's Boardman closure is a major step on our path to meeting Oregon's greenhouse gas emissions reduction goals and transforming our system to reliably serve our customers with a cleaner, more sustainable energy mix."

Boardman's closure has been factored into PGE's resource plans since 2010, so the company could take steps to ensure there'll be enough electricity to continue reliable electric service to customers after the plant's shutdown. No single generator will replace the facility. Instead, a mix of resources including five-year contracts with the Bonneville Power Administration, Washington's Douglas County PUD, and other independent suppliers has been added to PGE's energy portfolio to meet near-term needs; a request for proposals for additional long term, non-emitting capacity resources is in the planning stages and is expected to be conducted next year.

The company is also bringing online energy storage, new renewable resources, and new distributed resources like demand response (when customers help balance the grid by volunteering to shift energy use during peak times) to create a cleaner, more resilient power system for the future.

One notable new renewable power resource that will help serve PGE customers and contribute to a healthy economy in the Morrow County community going forward is Wheatridge – a facility PGE is building with NextEra Energy Resources just south and east of Boardman, with 300 megawatts of wind and 50 megawatts of solar, augmented by 30 megawatts of battery storage. PGE will own part of the wind resource and purchase the rest of Wheatridge's output on a long-term contract with NextEra. The Wheatridge wind farm is currently in the final stages of construction and will be online this year. The solar and storage resources will be constructed in 2021 and are expected to be online before the end of next year.

Some Boardman employees will continue with the plant during 2021 to conduct environmental cleanup and ready the facility for demolition and removal beginning in 2022, while others will retire, move to other positions with PGE, or leave the company. The company provided a comprehensive retention and severance plan as well as education and job-training benefits to help employees fulfill their personal goals after the closure.

####

**About Portland General Electric Company:**

Portland General Electric (NYSE: POR) is a fully integrated energy company based in Portland, Oregon, with operations across the state. The company serves 901,000 customers with a service area population of 1.9 million Oregonians in 51 cities. PGE has 16 generation plants in five Oregon counties, and maintains and operates 14 public parks and recreation areas. For over 130 years, PGE has delivered safe, affordable and reliable energy to Oregonians. Together with its customers, PGE has the No. 1 voluntary renewable energy program in the U.S. PGE and its 3,000 employees are working with customers to build a clean energy future. In 2019, PGE, employees, retirees and the PGE Foundation donated \$4.7 million and volunteered 32,900 hours with more than 700 nonprofits across Oregon. For more information visit www.PortlandGeneral.com/news.

Safe Harbor Statement:

Statements in this news release that relate to future plans, objectives, expectations, performance, events and the like may constitute "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995, Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended. Forward-looking statements made in this press release include statements regarding Portland General Electric's energy strategy for future periods, the implementation and outcome that strategy, and the acquisition of additional resources to meet retail customer demand as well as other statements containing words such as "anticipates," "believes," "intends," "estimates," "promises," "expects," "should," "conditioned upon," and similar expressions. Investors are cautioned that any such forward-looking statements are subject to risks and uncertainties, including failure to complete capital projects on schedule or within budget, or the abandonment of capital projects; changes in capital market conditions, which could affect the availability and cost of capital and result in delay or cancellation of capital projects; the outcome of various legal and regulatory proceedings; general economic and financial market conditions; and the cost and availability of products and technology. As a result, actual results may differ materially from those projected in the forward-looking statements. All forward-looking statements included in this news release are based on information available to the company on the date hereof and such statements speak only as of the date hereof. The company expressly disclaims any current intention to update publicly any forward-looking statement after the distribution of this release, whether as a result of new information, future events, changes in assumptions or otherwise. Prospective investors should also review the risks, assumptions and uncertainties listed in the company's most recent annual report on form 10-K and in other documents that we file with the United States Securities and Exchange Commission, including management's discussion and analysis of financial condition and results of operations and the risks described therein from time to time.

Good afternoon Commissioner Lindsay, Mr. Green, and Ms. Mabbott,

Earlier this month, OWRD received a rulemaking petition from Stand Up to Factory Farms in which they requested that a daily volumetric limit on the amount of water that is available under the 'stockwater exemption' within the boundary of the Ordinance Critical Groundwater Area be established (there is no limit in existing statute or rule). The petition is attached and more information about the review, comment, and next steps is provided below.

Please let me know if you have any questions or concerns.

Best,

Chris

Chris Kowitz

North Central Region Manager

116 SE Dorion Ave | Pendleton, OR 97801 | Office: 541-278-5456 | Cell: 971-600-6137

NOTICE OF PETITION FOR RULE AMENDMENT OR RULEMAKING AND INVITATION FOR PUBLIC COMMENT

Petition for Rulemaking

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 Water Resources Commission ("Commission") to conduct rulemaking.

The Petitioners request the Commission "prohibit new or expanded exempt uses for stockwatering in the Ordinance 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 Ordinance 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 Ordinance Gravel Critical Ground Water Area and the Ordinance 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).

Further details about the request are included below.

Invitation to Comment

The OWRD is inviting public comment on the petition and the rule as proposed by the Petitioners, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

Public comments will be accepted until 5:00 PM on November 12, 2020. The OWRD will consider all comments received by the deadline when preparing a recommendation for the Commission. Written comments can be submitted via mail to:

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

Or interested persons may submit written comments via email to: breeze.k.potter@oregon.gov.

Petition Details

A copy of the petition is attached to this notice.

In brief, the Petitioners request the Commission:

...amend its 1976 Findings, Conclusions, and Order on the Question of Determination of a Critical Ground Water Area in the Ordinance 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 in the Ordinance Basalt Critical Groundwater Area (Basalt CGWA) and the Ordinance Gravel Critical Groundwater Area (Gravel CGWA) (collectively, Ordinance CGWAs)...

Petitioners request that the Commission amend the Order by rule to limit further development of groundwater in the Ordinance CGWAs under the stockwatering exemption...

Petitioners...propose[s] to add the following, by rule, as additional language at the end of the Order:

Effective [date of Petition], the Ordinance Gravel Critical Ground Water Area and the Ordinance 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).

Next Steps

The Commission is required by law to make a decision on the petition within 90 days. The Commission will take action on the petition at a special meeting in December 2020. At that time, the Commission will vote to either deny the petition in writing or initiate rulemaking proceedings.

Best,

Breeze Potter

Water Policy Analyst

Rules/IWRS Coordinator

725 Summer Street NE, Suite A, Salem, OR 97301 | Office: 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 exemption¹ 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-dairies³ 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

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 Ordinance 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 **Ordinance 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 **Ordinance 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 Ordinance 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;

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 1955¹⁶—designating the Ordnance CGWAs.¹⁷ Both CGWAs are located in a region near the town of Ordnance, Oregon¹⁸ 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

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 Ordinance CGWAs

Today, there are three mega-dairy sites within the Ordinance 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 States³²—is also located in Morrow County, though it lies just outside the Ordinance CGWAs. It is permitted to confine just over 90,000 cows on its 93,000-acre property.³³

²⁶ USDA, 1974 CENSUS OF AGRICULTURE – COUNTY SUMMARY DATA, CATTLE AND CALVES – INVENTORY AND SALES, <http://usda.mannlib.cornell.edu/usda/AgCensusImages/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/AgCensusImages/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. DEPT 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 Threemile³⁵—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

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 Ordinance 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 Ordinance CGWAs,

³⁹ *Id.* at 1.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 2.

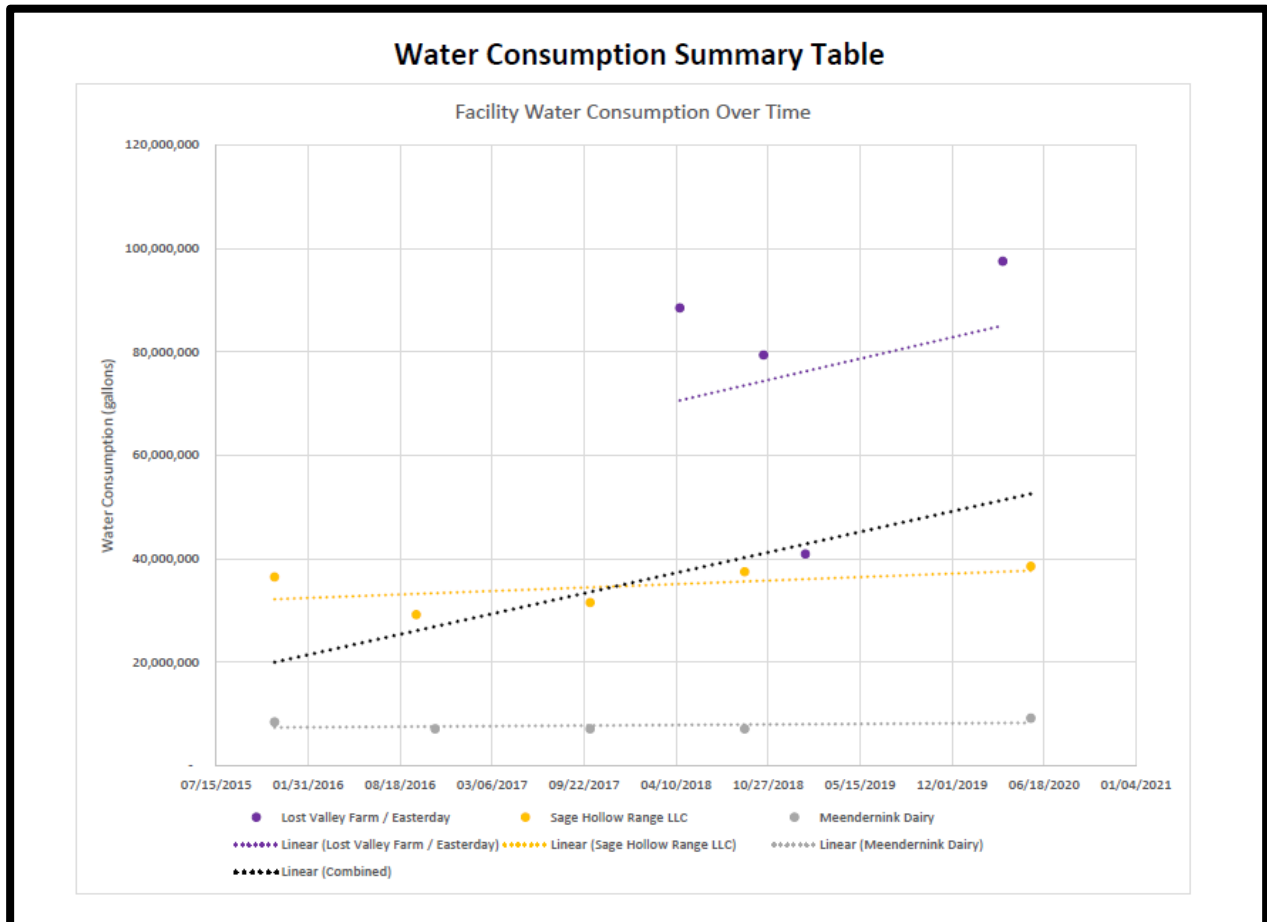
⁴³ OR. DEP’T OF AGRIC. & OR. DEP’T OF ENVTL. QUALITY, FREQUENTLY ASKED QUESTIONS, LOST VALLEY FARM CAFO PERMIT 2, <https://www.oregon.gov/oda/programs/naturalresources/documents/cafopublicnotices/lostvalleyfarm/lostvalleyfarmfaqs.pdf> (last visited Aug. 19, 2020).

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-aquifer-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/201711/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 Ordinance 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.

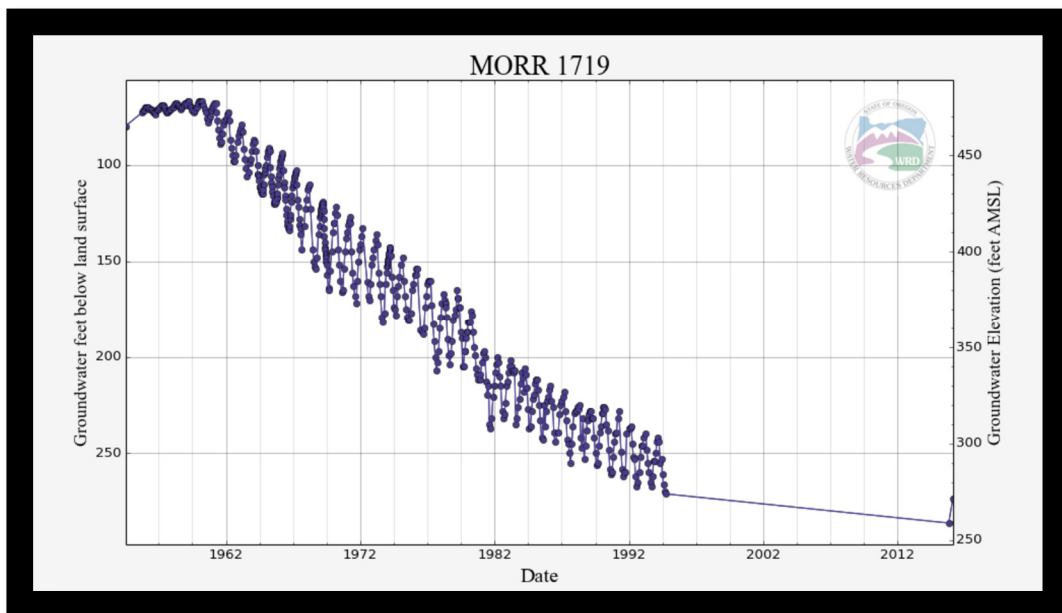
⁴⁷ Ladd Letter, *supra* note 20, at 2.

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 Department⁵² show the historical depletion of this aquifer:



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>.

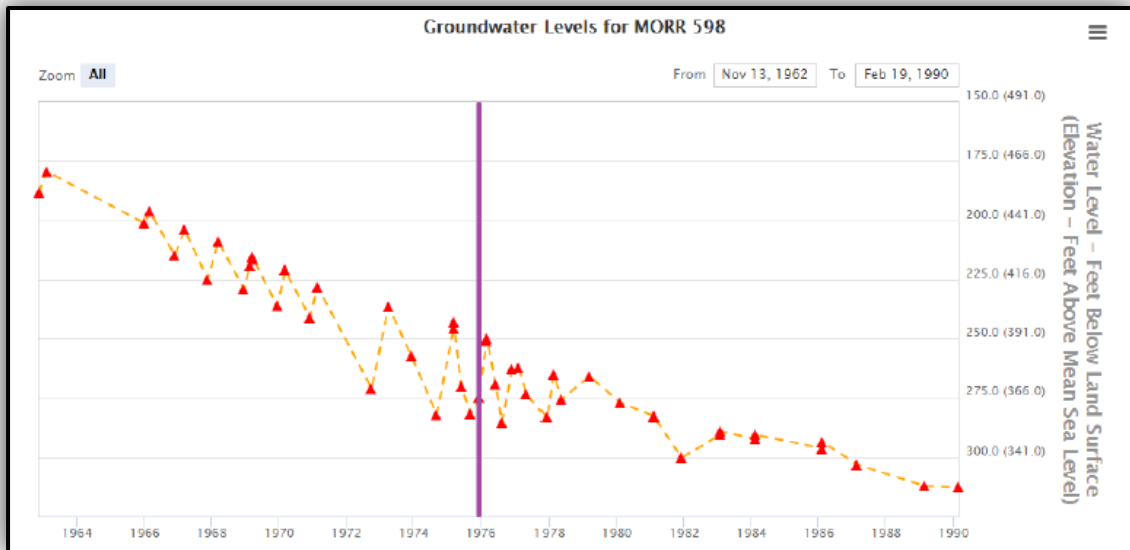
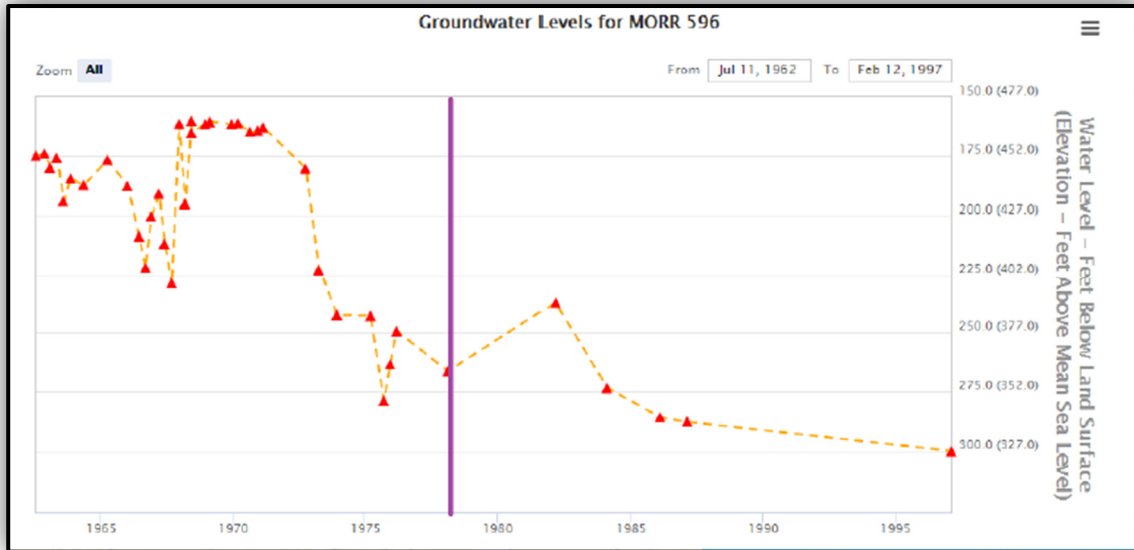
⁴⁹ Ladd Letter, *supra* note 20, at 2.

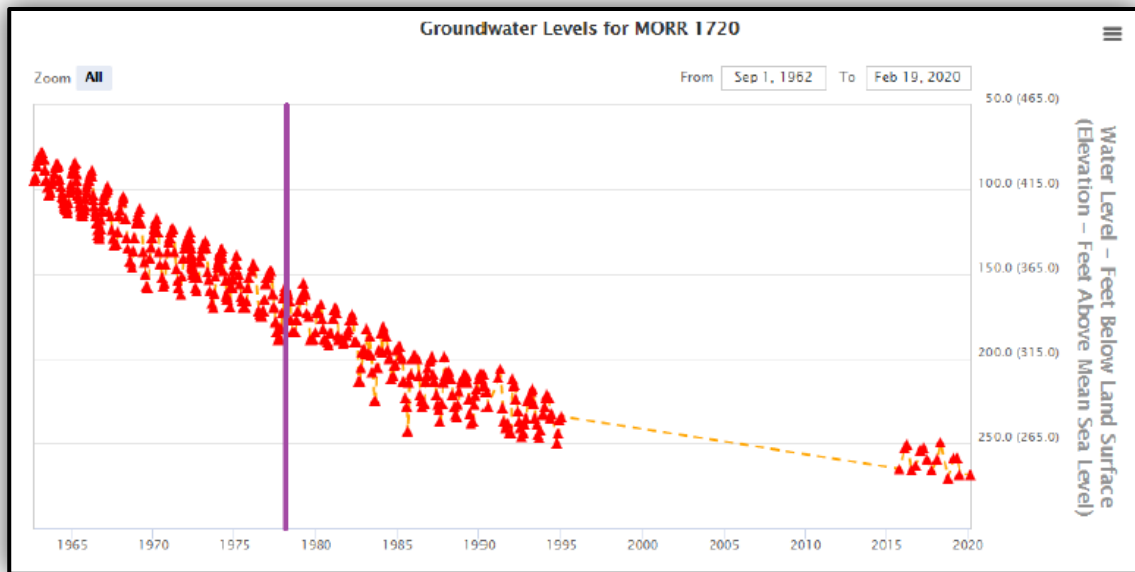
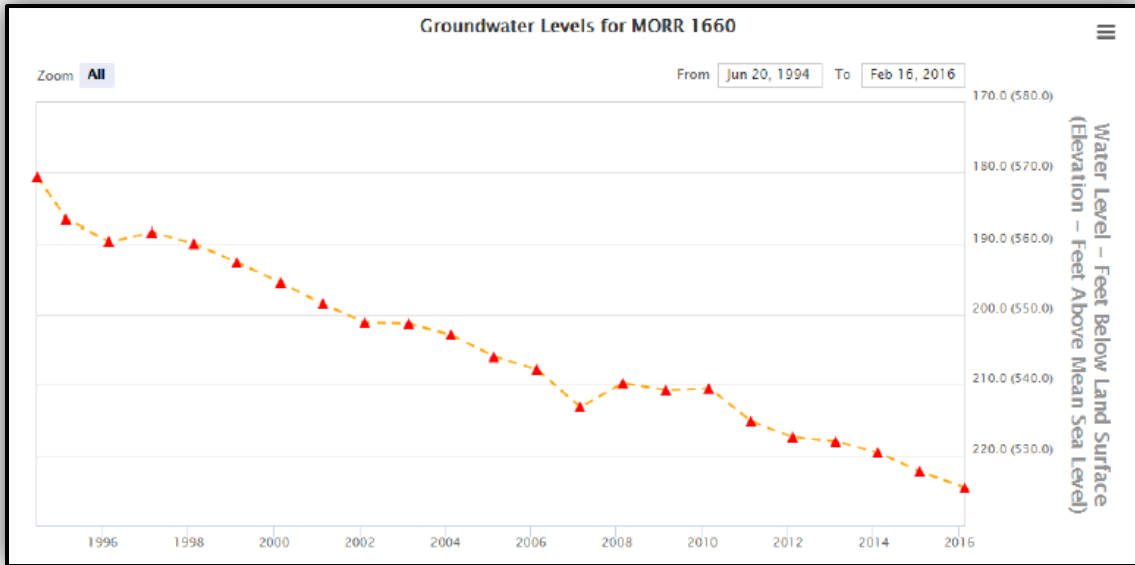
⁵⁰ Memorandum, *supra* note 15, at Attach. 5. Data collected from groundwater wells confirm this, showing that the water table has decreased between 44 feet (MORR 1660) and 130 feet (MORR 598) since 1962.

⁵¹ *Id.*

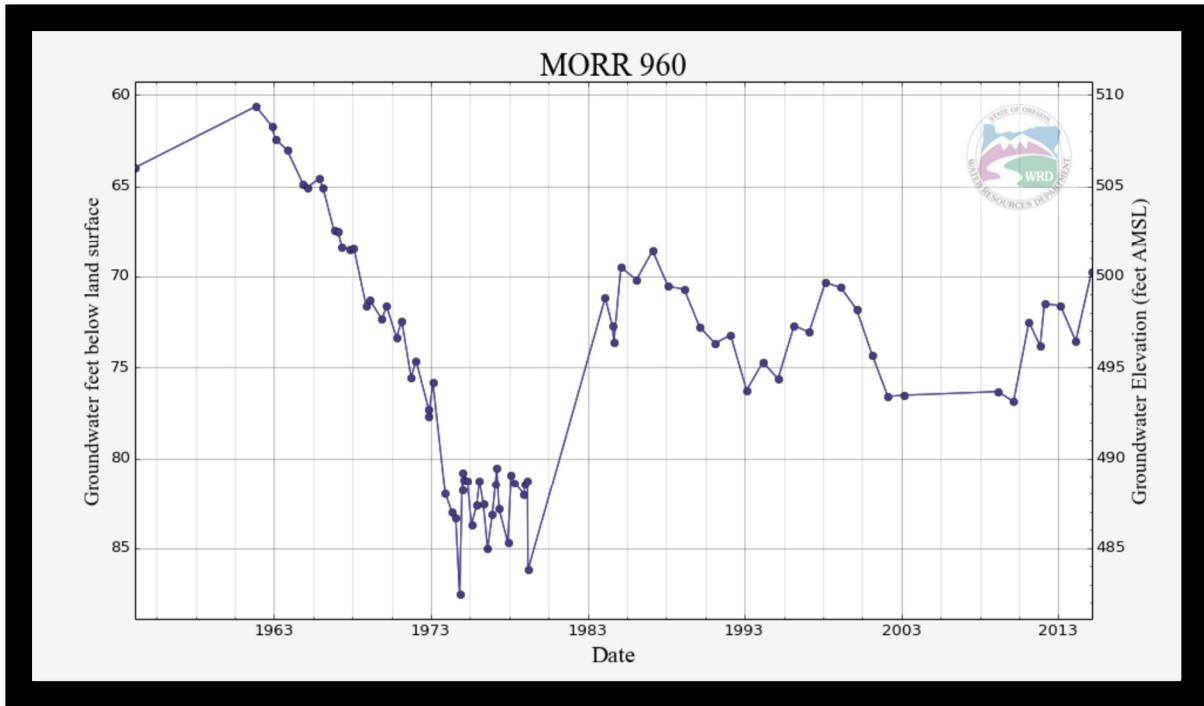
⁵² *Id.*

Individual wells within the Basalt CGWA tell the same story:



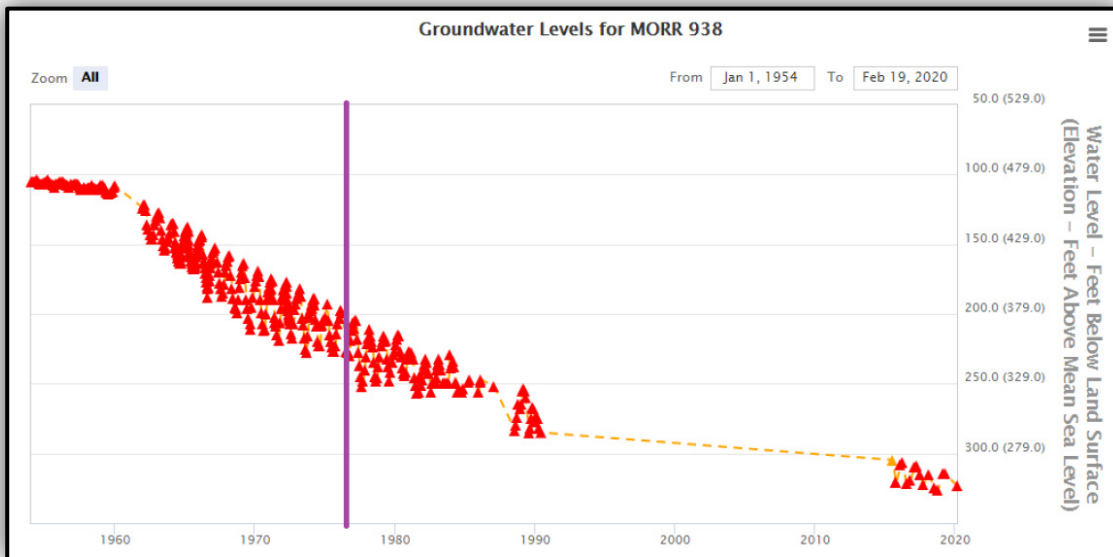
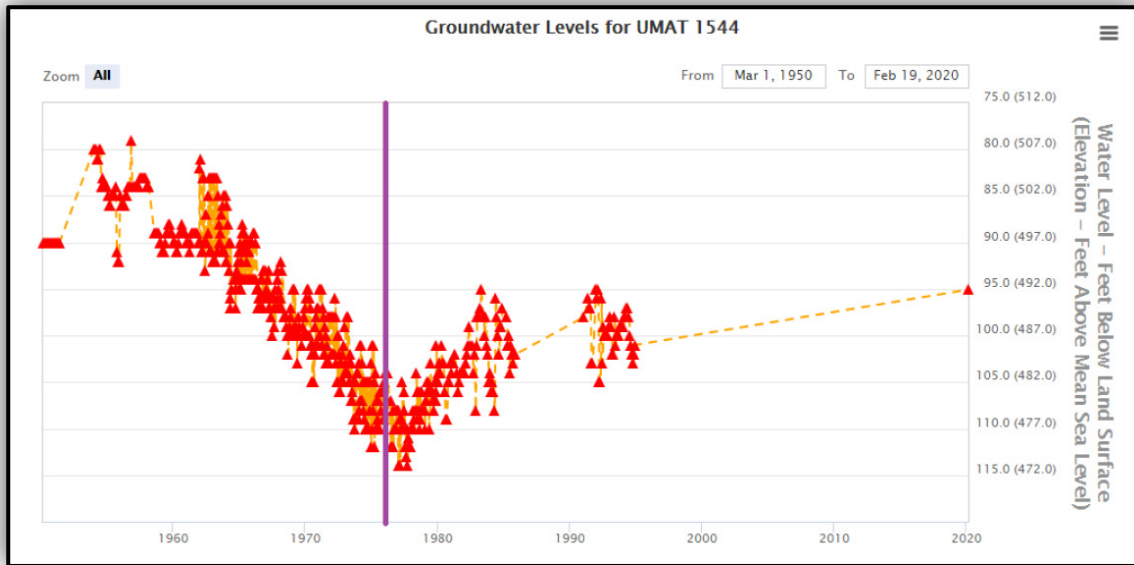


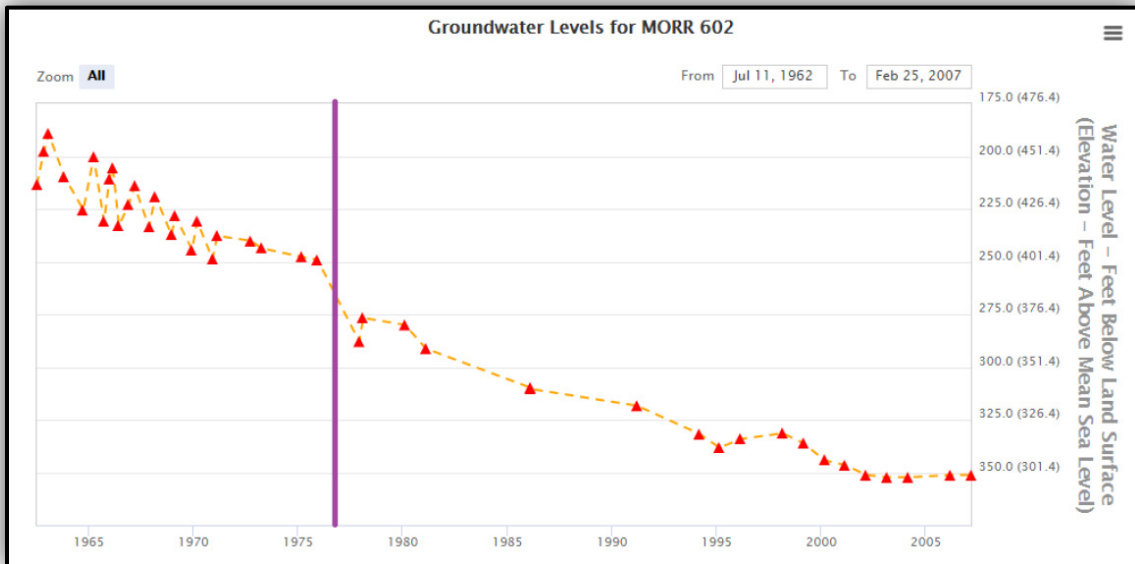
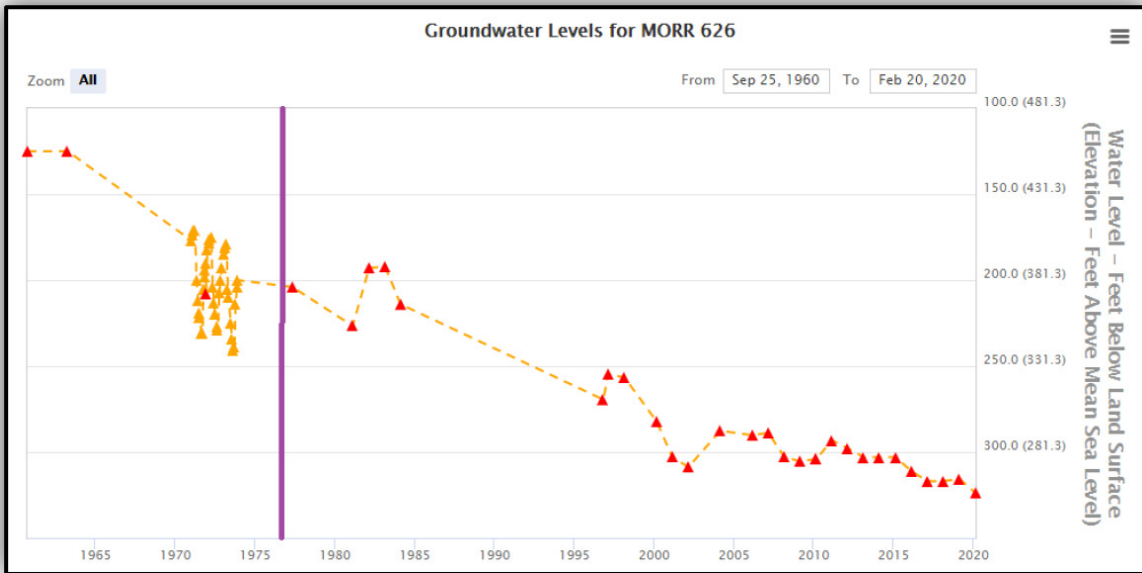
Likewise, publicly available groundwater data from wells UMAT1580 and MORR938 indicate that groundwater levels in the Gravel CGWA have dropped between 4 and 222 feet since 1950. Published hydrographs from the Department⁵³ also show the historical depletion of this aquifer:

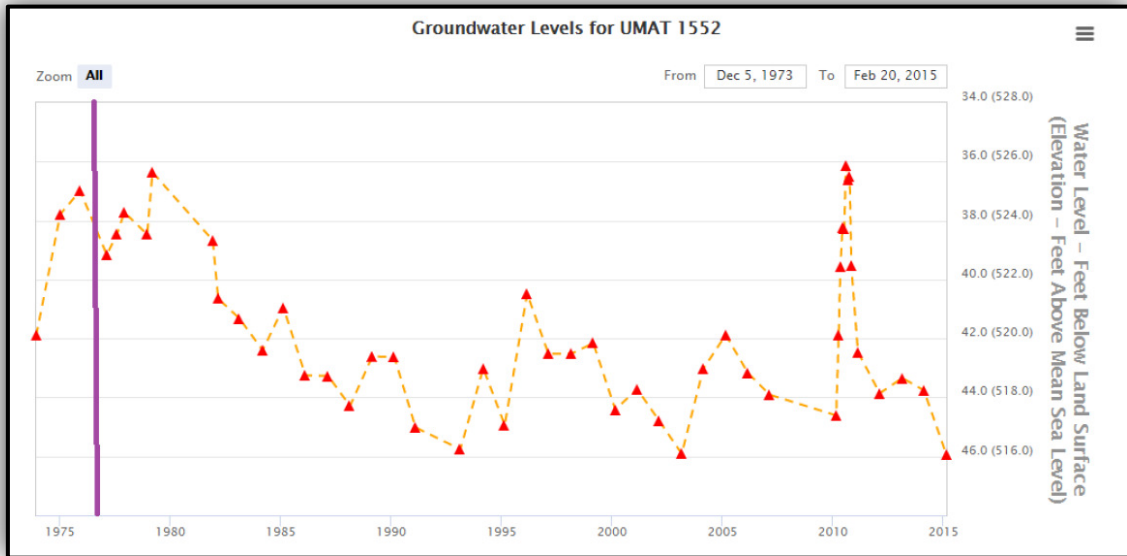
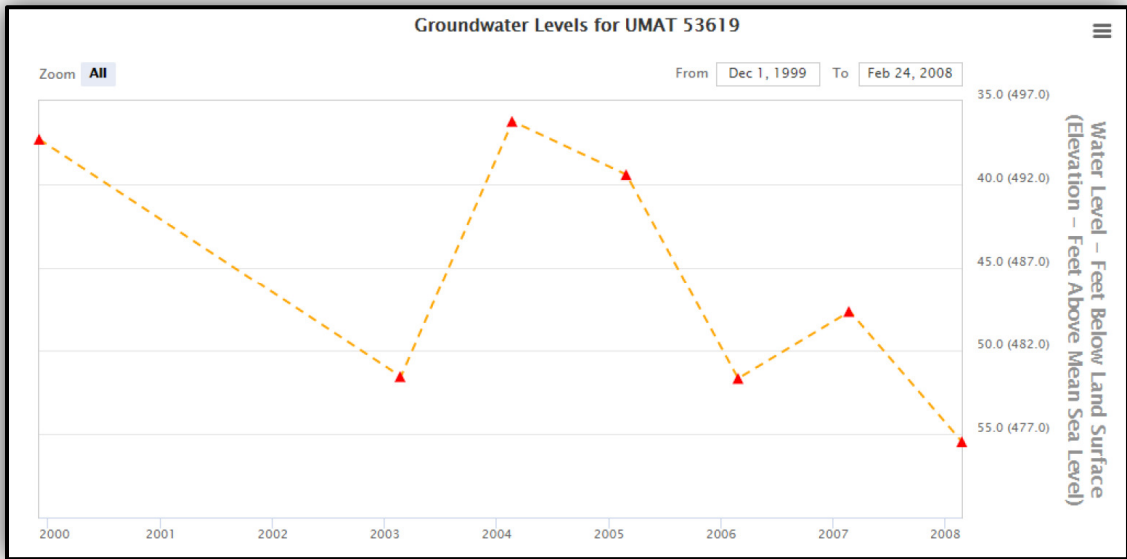


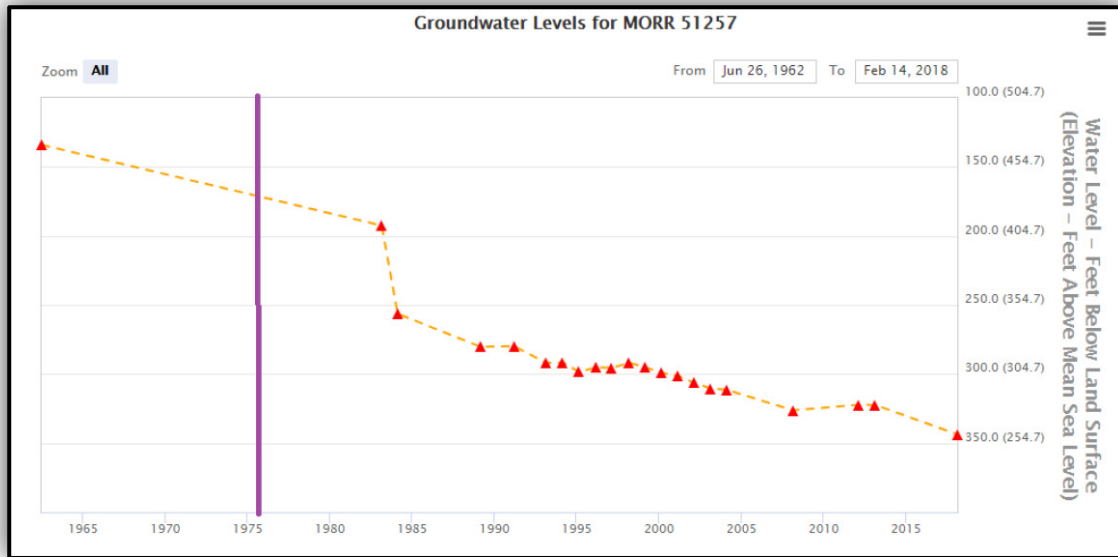
While the groundwater data within this Ordinance does show some recovery due to artificial recharge, individual wells within it continue to show declines over time:

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









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

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 number of animals pulling stockwater from the aquifer. Following the entry of mega-dairies into the area in

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 Ordinance 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.

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 issued⁶²—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 impacts⁶⁴—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.

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 Ordinance 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).

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/201711/Downloads/CommitteeMeetingDocument/148858> (last visited Aug. 19, 2020).

Dated: October 5, 2020

Sincerely,

Cristina Stella

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Managing Attorney
Animal Legal Defense Fund

On behalf of:



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Attachment A

BEFORE THE DIRECTOR OF THE WATER RESOURCES DEPARTMENT

Morrow and Umatilla Counties

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

INTRODUCTION

1

Notices of hearing on the question of the determination of a critical ground water area in the Ordinance 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 Ordinance 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 Adminis-
tration, 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 Ordinance 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 Ordinance 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 Ordinance 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 noticeable 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 feet² to 50,000 feet² 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 contemporary 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 15 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; thereafter, 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).

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).

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.

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 than most of the wells to the southwest.

B. Basalt Aquifers

A serious water level decline has occurred in most of the deep wells in the Ordance 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.

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.

GROUND WATER DEVELOPMENT

A. Stream and Lake Sediments

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

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.

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.

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 Authority 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 Ordinance 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 occur 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 Ordinance 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 Ordinance 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 Ordinance 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.

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. Similarly, 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.

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.

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 NW $\frac{1}{4}$ 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 within the NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 Ordinance 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 Ordinance gravel ground water area and the overall Ordinance 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 Ordinance 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 Ordinance 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 Holzappel 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 FURTHER 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 Ordinance basalt aquifer is herewith declared a critical ground water area and is to be known as "The Ordinance 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

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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

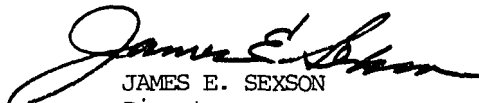
It is FURTHER ORDERED that all unlawful diversions of ground water within each of the aforesaid critical ground water areas shall cease.

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. 0.34	27.0	81.0	7296.9	327
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
23-C						3N/27E-4bcc					112
23-D						3N/27E-5adc					400
23-E						3N/27E-5acc					200
23-F						3N/27E-5bdc					145
23-G						3N/27E-5bcx					145
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	219.5	960.0	1778.0	623
							(3/2/59)				
							1.75				
							(4/7/59)				
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-4cca	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

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
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-35cxxx					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

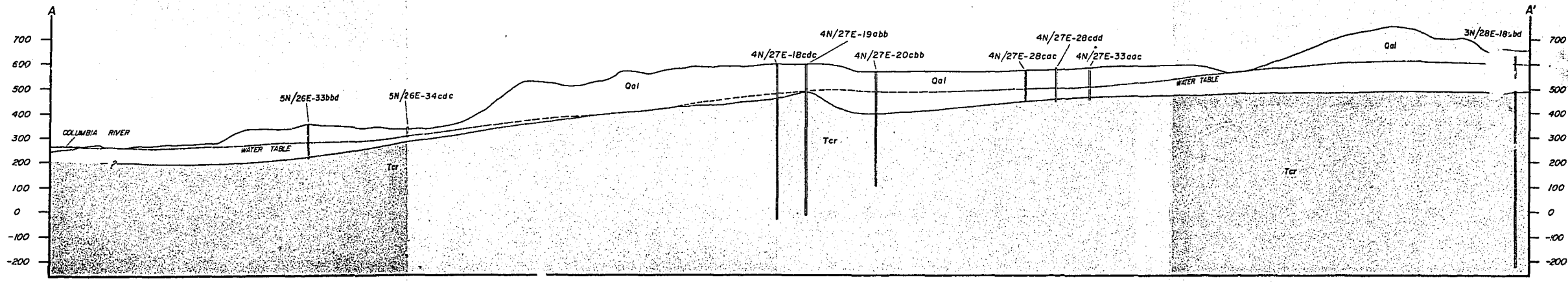
TABLE I

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
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

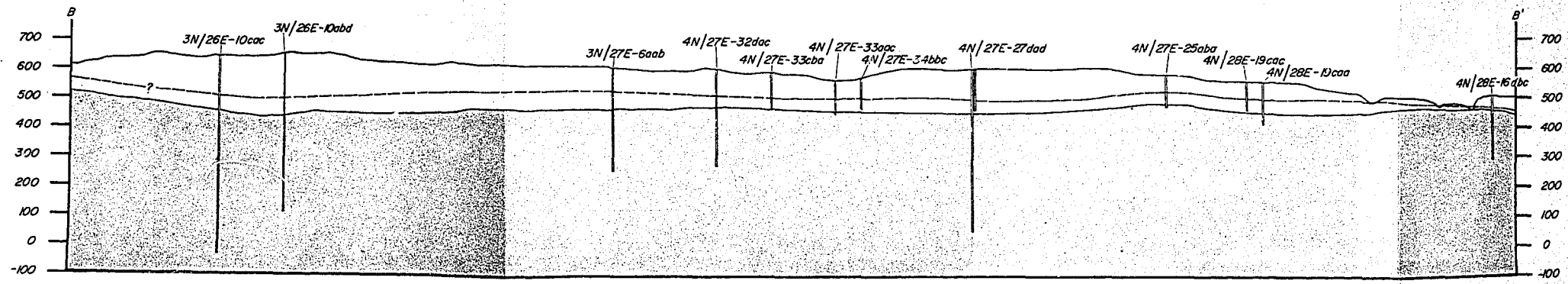
ORDNANCE GROUND WATER AREA
ALLUVIAL AQUIFERS

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 EXAGGERATED X 15
 PLATE 5

ORDNANCE GROUND WATER AREA

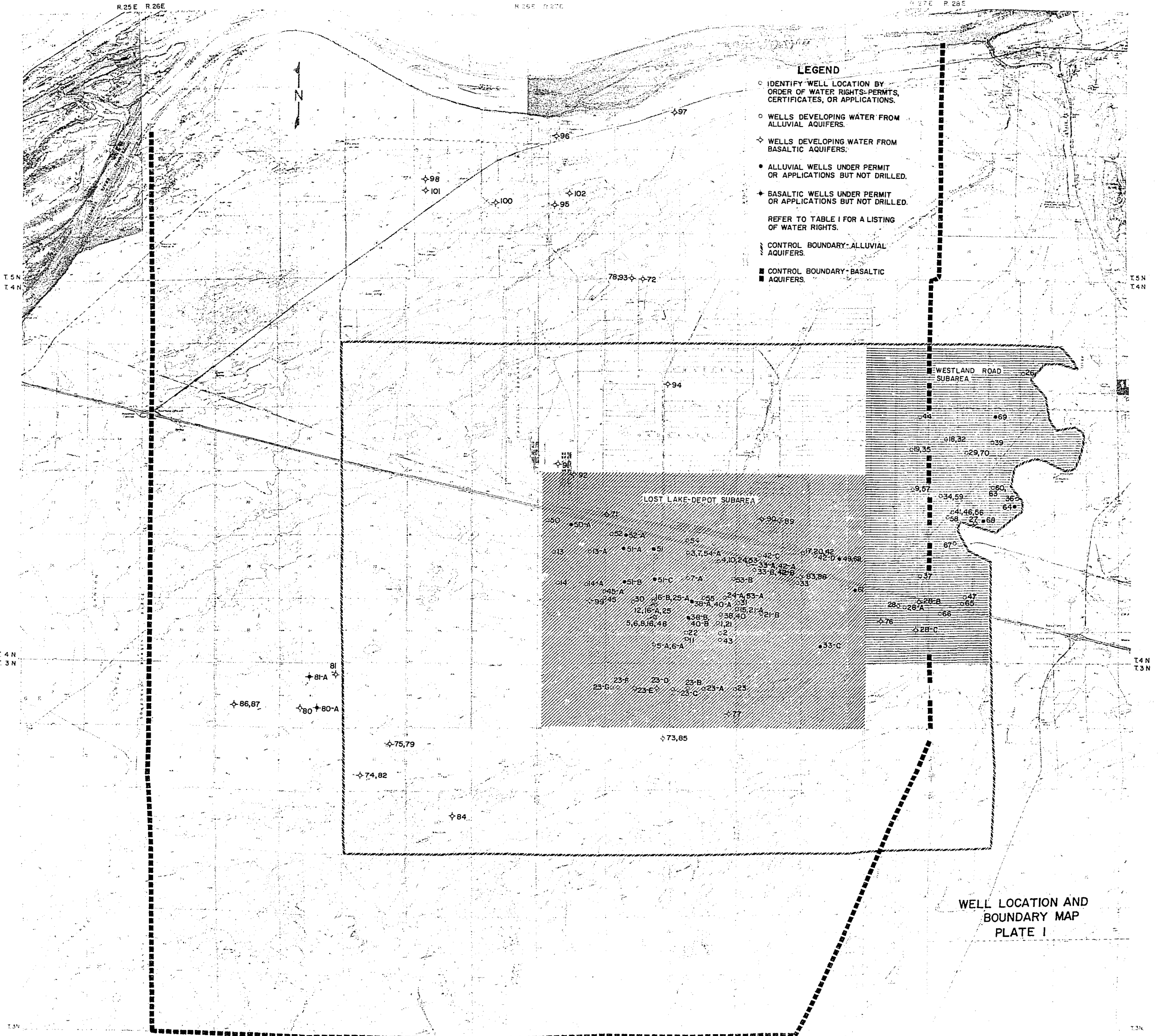
OREGON STATE ENGINEER
R 25 E R 26 E

R 27 E R 28 E

R 25 E R 26 E

LEGEND

- IDENTIFY WELL LOCATION BY ORDER OF WATER RIGHTS-PERMITS, 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.



WELL LOCATION AND BOUNDARY MAP
PLATE I

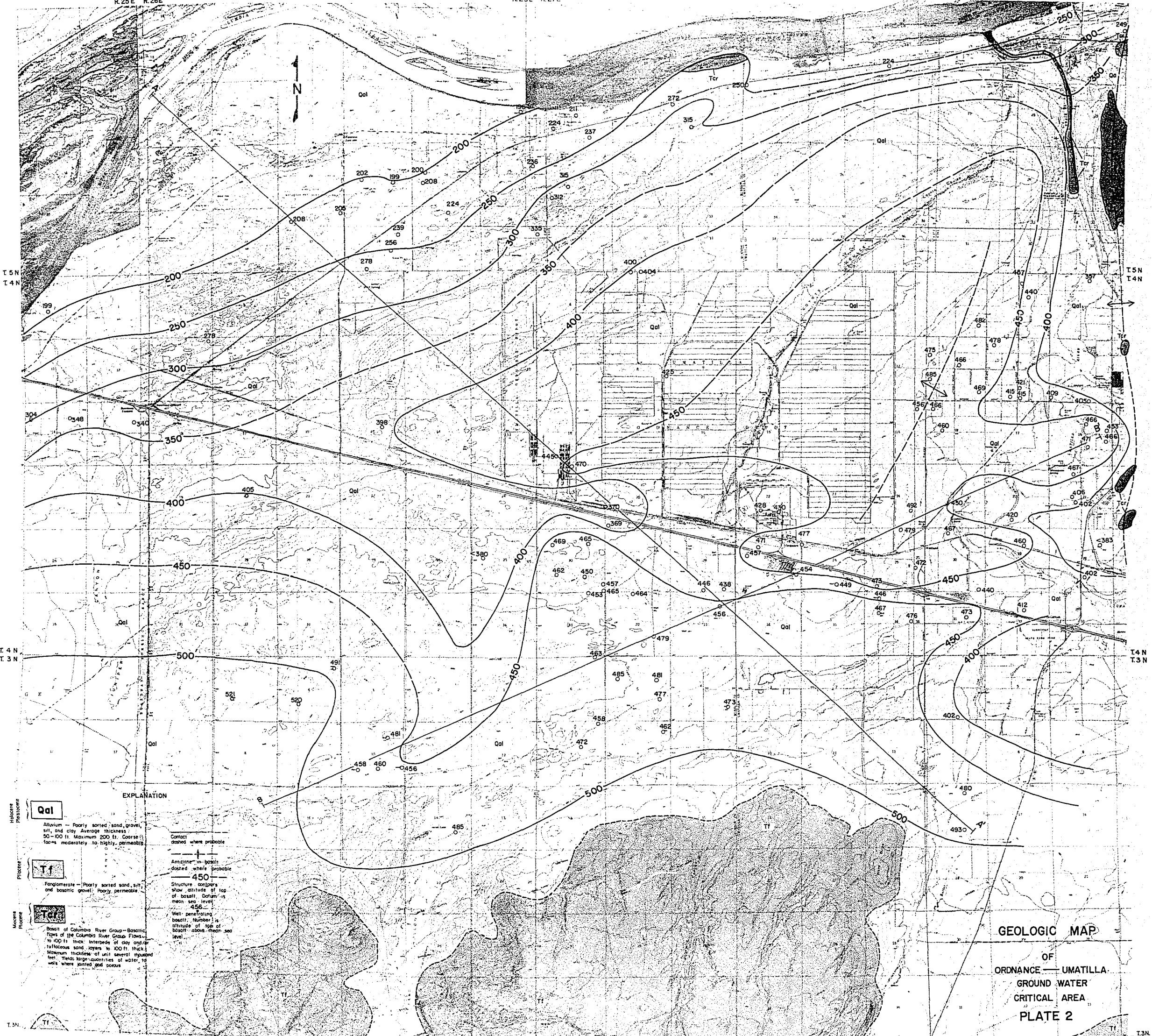
ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.26E R.27E

R.27E R.28E

R.25E R.26E



EXPLANATION

- Qal**
Alluvium - Poorly sorted sand, gravel, silt, and clay. Average thickness: 50-100 ft. Maximum 200 ft. Coarse facies moderately to highly permeable.
- T1**
Tuffaceous sand - Poorly sorted sand, silt, and basaltic gravel. Poorly permeable.
- T2**
Basalt of Columbia River Group - Basaltic flow of the Columbia River Group. Flows to 100 ft thick. Interbeds of clay and/or tuffaceous sand layers to 200 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
- Structure contours show altitude of top of basalt. Datum is mean sea level.
- 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

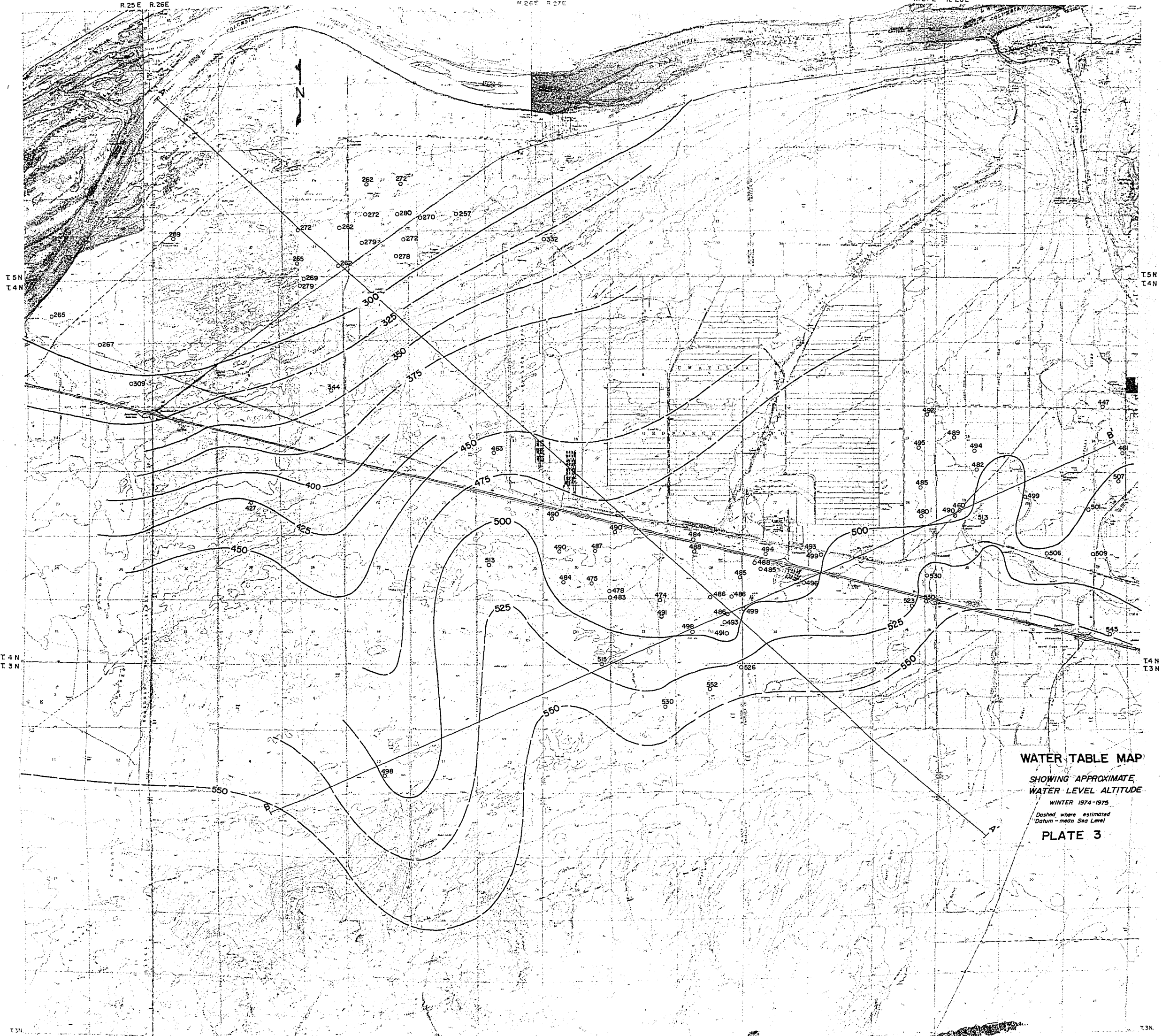
ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.26E R.27E

R.27E R.28E

R.25E R.26E



WATER TABLE MAP

SHOWING APPROXIMATE
WATER LEVEL ALTITUDE

WINTER 1974-1975

Dashed where estimated
Datum - mean Sea Level

PLATE 3

ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R 26 E R 27 E

R 25 E R 26 E

R 27 E R 28 E

T 5 N
T 4 N

T 5 N
T 4 N

T 4 N
T 3 N

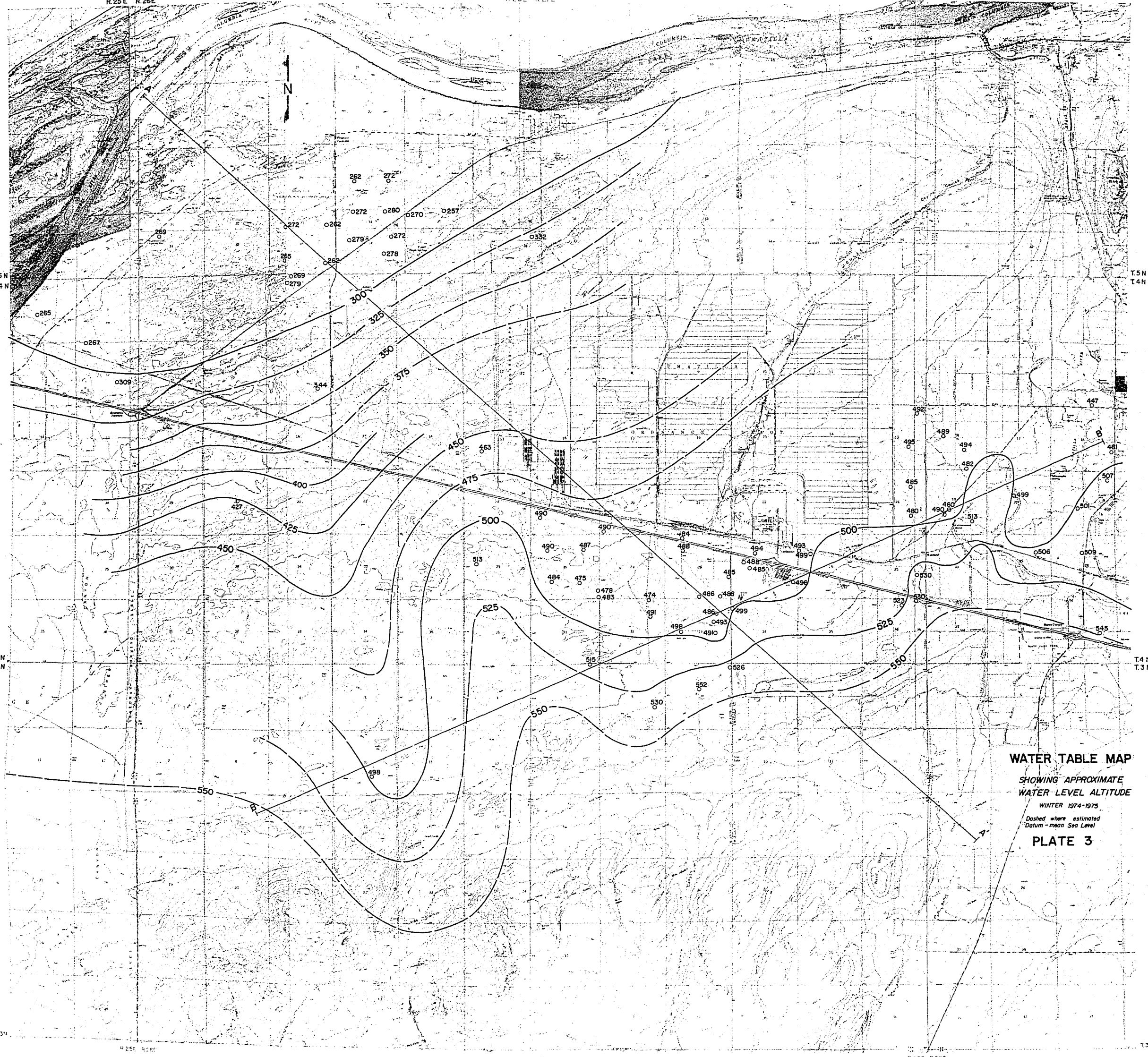
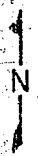
T 4 N
T 3 N

T 3 N

T 3 N

R 25 E R 26 E

R 27 E R 28 E



WATER TABLE MAP
SHOWING APPROXIMATE
WATER LEVEL ALTITUDE
WINTER 1974-1975
Dashed where estimated
Datum - mean Sea Level
PLATE 3

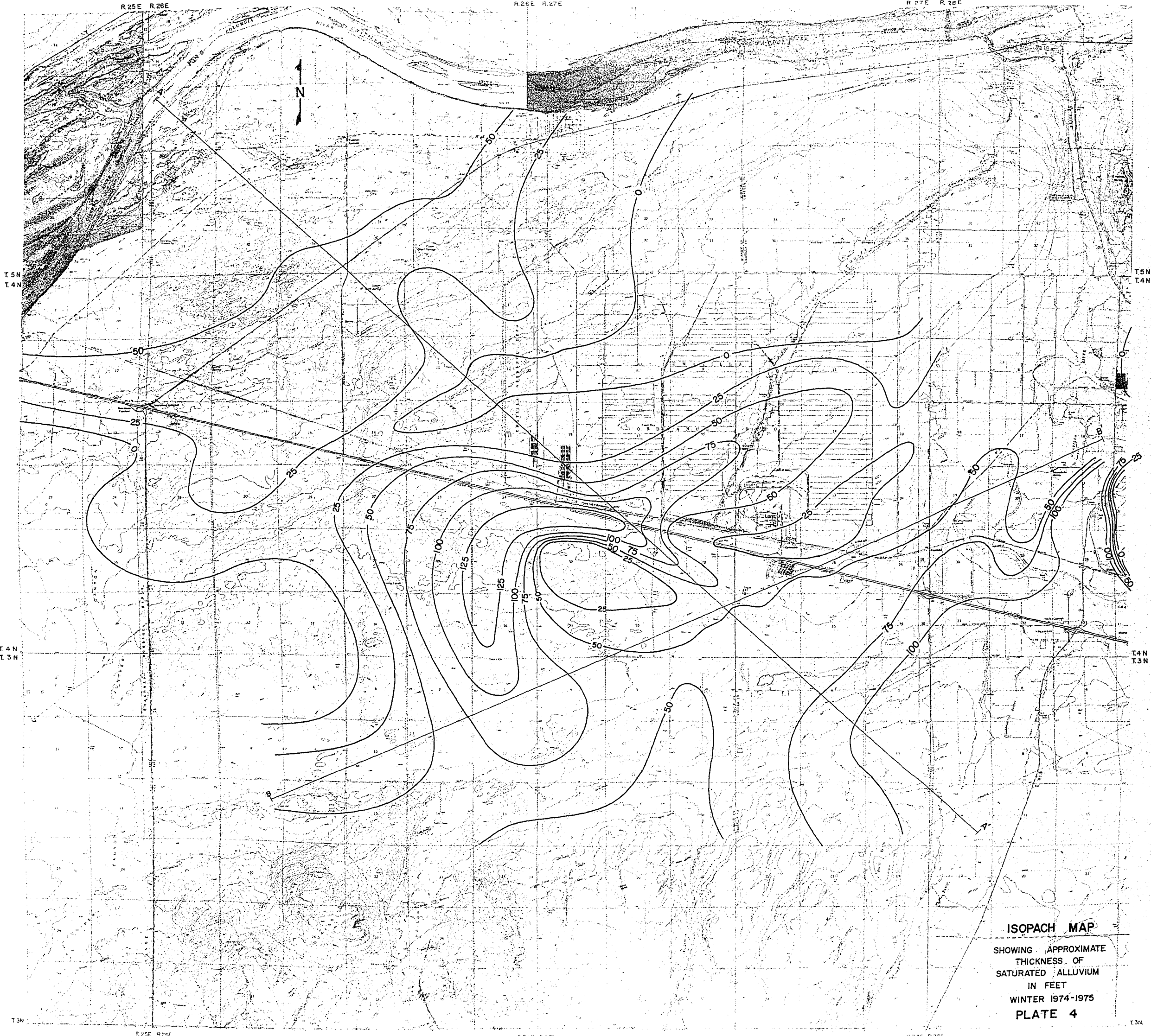
ORDNANCE GROUND WATER AREA

OREGON STATE ENGINEER

R.26E R.27E

R.27E R.28E

R.25E R.26E



ISOPACH MAP

SHOWING APPROXIMATE
THICKNESS OF
SATURATED ALLUVIUM
IN FEET
WINTER 1974-1975
PLATE 4

R.25E R.26E

R.26E R.27E

R.27E R.28E

T.3N

T.3N

T.5N

T.5N

T.4N

T.4N

T.4N

T.4N

T.3N

T.3N

Attachment B



Oregon

Kate Brown, Governor

Water Resources Department

North Central Region
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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 Ordinance Basalt Critical Groundwater Area (Ordinance Basalt CGWA), and less than one mile from the Ordinance 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 Ordinance Basalt CGWA and curtailed existing permitted uses in the Ordinance 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 Ordinance 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 Ordinance 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.



WRD-LLRFP00198

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@wrд.state.or.us if you have any questions or would like to arrange a meeting.

Sincerely,



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