

MAR 14 2024



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for Limited Water Use License

Salem, OR

License No.: LL-1969

Applicant Information

NAME <u>MORELLO CONSTRUCTION LLC</u>		PHONE (HM)	
PHONE (WK) <u>(541) 887-2285</u>	CELL	FAX	
ADDRESS <u>2637 OLD MIDLAND ROAD</u>			
CITY <u>KLAMATH FALLS</u>	STATE <u>OR</u>	ZIP <u>97603</u>	E-MAIL *

Agent Information

NAME <u>SPENCER MARTIN</u>		PHONE		FAX
ADDRESS <u>2637 OLD MIDLAND ROAD</u>			CELL	
CITY <u>KLAMATH FALLS</u>	STATE <u>OR</u>	ZIP <u>97603</u>	E-MAIL * <u>spencer@morelloconstructionllc.com</u>	

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER: KLAMATH RIVER, ^{POINT OF DIVERSION} IS NORTH CANAL, KDD
- AMOUNT OF WATER to be diverted;
 Maximum and instantaneous rate (cubic feet or gallons per minute): APPROX 500 GPM
 Total volume (gallons or acre-feet): 2,700,000 GAL. If water is to be used from more than one source, give the quantity from each: SEE NARRATIVE
- INTENDED USE(S) OF WATER: (check all that apply)
 - Road construction or maintenance
 - General construction
 - Forestland and rangeland management; or
 - Other: DUST CONTROL + COMPACTION

4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:
SEE NARRATIVE. NO DITCHING OR PIPELINE. 4" 13HP PUMP WITH 12-20' SUCTION HOSE. PUMPED FROM CANAL TO PORTABLE 3500 GAL TANK. PUMPED FROM TANK TO WATER TRUCK. TRANSPORTED TO SITE FOR DISTRIBUTION.

5. PROJECT SCHEDULE: (List day, month, and year)
 Date water use will begin: 05/01/24 - 15 NOV 24 / SEASONAL BUREAU / 08/01/25 - 11/15/25
 Date water use will be completed: 11/15/25 FOR THIS LICENSE.
 Months of the year water would be diverted and used: MAY - NOV

If for other than irrigation from stored water, how and where will water be discharged after use:
APPLIED WATER WILL EITHER ABSORB INTO GROUND OR EVAPORATE.

Applicant Signature

Spencer J. Martin
 Print Name and title if applicable

2/26/2024
 Date

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Salem, OR

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$280 for the first point of diversion plus \$30 for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

**A summary of review criteria and procedures that are generally applicable to these applications is available at:
<http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

Mapping Requirements (OAR 690-340-0030):

(1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:

- a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - ii. The general course of the source for the proposed use, if applicable;
 - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS:

<p>For WRD Use Only</p>

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Morrello Construction LLC Limited License Number: LL-1969

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

The proposed Point of Diversion (POD), the North Canal, diverts water from the Klamath River

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

The proposed POD is a canal

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

5. Any other recommendations you would like to make?

- 1) Keep a copy of the Limited License permit in each water truck.
- 2) Make a record of each time a water truck is filled from the POD. This can be a hand-written note on the permit. Submitting the records to the Watermaster is not a requirement of this permit.

Signature Tom Skiles WM District #: 17 Date: 3/12/2024

- KC WATERMASTER -

Received by OWRD

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Land Use Information Form

Salem, OR



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

NAME Morello Construction LLC (ATTN: Spencer Martin)			PHONE (541) 892-2372	
MAILING ADDRESS 2637 Old Midland Road				
CITY Klamath Falls	STATE OR	ZIP 97603	EMAIL spencer@morelloconstructionllc.com	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
40S	09E	28		See Comments		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Construction
40S	09E	20				<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	"
41S	09E	02				<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	"
41S	09E	00				<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	"

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

Tax Lot 4009-002700-00102, Klamath Falls, Klamath County, OR

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Exchange of Water
 Allocation of Conserved Water

Source of water:
 Reservoir/Pond
 Ground Water
 Surface Water (name) KLAMATH RIVER VIA NORTH CANAL

Estimated quantity of water needed: 8.3
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water:
 Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Construction

Briefly describe:

Use water for dust control and surface compaction purposes during the construction of a Federal Sucker Fish hatchery on Lower Klamath Lake Road.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): RUCDC Art 5A.DICA

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: Lillian Gallagher Title: Planner II
 Signature: [Signature] Phone: 501 851-3674 Date: 2/27/24
 Government Entity: Hinnah County Planning Department

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

Receipt for Request for Land Use Information

Applicant name: MORELLO CONSTRUCTION LLC
 City or County: KLAMATH FALLS, KLAMATH Staff contact: SPENCER MARTIN
 Signature: [Signature] Phone: 541 892-2372 Date: 2/26/2024
 Revised 2/8/2010 Land Use Information Form - Page 3 of 3 WR / FS

- KE PLANNING -

LL-1969

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MAR 14 2024

Salem, OR

Morello Construction LLC
2637 Old Midland Rd
Klamath Falls, OR 97603
(541)- 877-2285



Project Narrative

To: Oregon Water Resources Department
Klamath County Planning Department
Klamath County Water Master
Klamath Drainage District

Subject: Application for Limited Water Use License

Project: USFW 140F0322B001 Phases 1-3 Sucker Fish Facility, Klamath Falls, NFH

Date: February 26, 2024

Morello Construction LLC offers the following narrative pertaining to the subject line:

The United States Fish and Wildlife Service awarded Morello Construction LLC a contract to construct the first phase of a fish hatchery expansion intended to propagate federally endangered sucker fish species. Subsequently, the company has entered into agreements with additional contractors to perform excavation and underground utility work on multiple phases of the entire project. In 2022, Morello was granted Limited License number 1938 for this project. The license expired in September of 2023.

Located on Lower Klamath Lake Road, the project encompasses the construction of nearly 30 ponds (ranging from over an acre down to 1/8 acre) and all associated utilities and roadways. While construction is expected to continue through the year 2026 (or beyond), this request is intended to cover the period of time expected to substantially complete phases 1 through 3 (May 1, 2024 – November 15, 2025).

The available site water is geothermal and contains large quantities of elements that quickly build up and/or corrode metals associated with construction equipment. Therefore, an alternate (fresh water) source is required. The water obtained under the license is intended for dust control and materials compaction. Much of the soil on site is chalky earth that generates large volumes of dust when agitated. Adding moisture to this material is critical to controlling dust and hardening roadways.

There are two proposed sourcing locations. Both draw water from the North Canal of Klamath Drainage district. The primary is located in the main yard of the Sukraw farm and the alternate is located on Liskey Farms at Township Road. Both offer excellent access within less than two miles of the project. Estimated usage is 21,000 gallons per day, four days per week. The overall estimate for use during the permit period is 2,700,000 gallons.

CERTIFICATION: *I certify that this narrative is made in good faith and that the supporting data are accurate and complete to the best of my knowledge and belief.*

Spencer J. Martin
Administrative Coordinator
(541) 892-2372

Spencer Martin

From: scott.white@klamathdrainagedistrict.org
Sent: Tuesday, December 5, 2023 3:06 PM
To: Spencer Martin
Cc: Clint M; 'Klamath Drainage District'
Subject: Fish rearing facility construction water

Hi Spencer,

It is my understanding that Morello is renewing or reapplying for a limited license from OWRD. KDD continues to have no objections to pumping out of the canal pending authorization from OWRD and permission for access from the landowner(s). Please note that our "no objection" does not preclude the district, any district landowner, or any district contracted with KDD to deliver water; their right to the water in the canal and the district does not waive any seniority to that water should there be a shortage in supply. Morello Construction, Gone Fishing and/or the United States will hold the district harmless should there be no water to pump under the Limited License. The district also assumes that Gone Fishing and the United States are supportive of the water being used for the construction of the Project.

It is understood that water diverted under this Limited License is not KDD's supply, but rather state water authorized by OWRD and only conveyed by the district for the purposes identified and authorized in the license.

Please let me know if there are any questions or concerns.

Thank you,



Scott White
GM at Klamath Drainage District
Phone: 541-884-1739
Mobile: 541-510-6311
Email: scott@klamathdrainagedistrict.org
PO Box 1090
Klamath Falls, OR 97601
www.klamathdrainagedistrict.org



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