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OWRD

March 20, 2024

Oregon Water Resources Department  
Water Rights Services Division  
725 Summer St. NE Ste A  
Salem, Oregon 97301

**RE: LIMITED LICENSE APPLICATION WITH MITIGATION FROM CERTIFICATION 43725**

Dear OWRD Staff,

Please find accompanying this letter a copy of an Application for a Limited Water Use License on behalf of Paola Roselli or Kim Hartman (Applicants). The Applicants are proposing the use of surface water from Graver Creek, which flows by the Applicant's property (Taxlots 0900 and 0905 in T2S, R3W, Section 14), to establish olive and grape plants over the proposed place of use (POU). The proposed period of the Limited License is from this upcoming growing season (~May 2024) through the end of the 2028 irrigation season (October 2028).

A portion of the Applicant's property is covered by irrigation Certificate 43725 with the same point of diversion (POD) on Graver Creek as proposed in this Limited License. Only a small portion of the olive and grape cultivation area is included within Certificate 43725's POU. In addition to this Limited License, the Applicant has also submitted a transfer application to change the POU of Certificate 43725 to cover the required acres. This Limited License proposes irrigation over the remaining cultivation area of approximately 7.5 acres until that transfer application is reviewed and approved.

As mitigation for the Limited License usage, the Applicant proposes to forbear the use of water under a portion of Certificate 43725 during the license period. Specifically, the forbearance will apply to the acres proposed as "from" lands in the transfer application, or approximately 7.9 acres (see attached map). Once the transfer application is completed, the Limited License usage will expire.

The Applicant has included a check (#8408) for the application fee of \$280.

Please let us know if there are any issues with processing this submittal or questions regarding the information included therein. Thank you for your assistance.

Sincerely,

**CwM H2O, L.L.C.**

Robert Long, CWRE

LL-1972



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

License No.: LL-1972

### Applicant Information

|  |                    |                                   |
|--|--------------------|-----------------------------------|
| NAME<br><b>Paola Roselli and Kim Spencer Hartman</b> |                    | PHONE (HM)<br><b>503-629-9863</b> |
| PHONE (WK)   | CELL               | FAX                               |
| ADDRESS<br><b>32508 SW Laurelview Road</b>           |                    |                                   |
| CITY<br><b>Hillsboro</b>                             | STATE<br><b>OR</b> | ZIP<br><b>97123</b>               |
| E-MAIL *<br><b>kim@le-tonde.com</b>                  |                    |                                   |

### Agent Information

|   |                    |                     |  |
|---|--------------------|---------------------|--|
| NAME<br><b>Robert Long (CWRE, CwM-H2O, LLC)</b> |                    | PHONE               | FAX                                    |
| ADDRESS<br><b>311 B Avenue, Suite P</b>         |                    | CELL                |  |
| CITY<br><b>Lake Oswego</b>                      | STATE<br><b>OR</b> | ZIP<br><b>97034</b> | E-MAIL *<br><b>bob.long@cwmh2o.com</b> |

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:** Graver Creek a tributary of McFee Creek
- AMOUNT OF WATER** to be diverted;  
 Maximum and instantaneous rate (cubic feet or gallons per minute): 0.09 cfs (42 gpm)  
 Total volume (gallons or acre-feet): 18.75 AF. If water is to be used from more than one source, give the quantity from each: all from Graver Creek

3. **INTENDED USE(S) OF WATER:** (check all that apply)

- Road construction or maintenance
- General construction
- Forestland and rangeland management; or
- Other: Establishment of olive trees and grape vine crops

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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:

*The proposed place of use includes 7.5 acres of olive trees and grapes that are currently irrigated by water truck delivery. The POU of this Limited License includes the same lands as proposed in a transfer application by the Applicant to change the place of use of Cert. 43725. The proposed POD is the same POD as Certificate 43725 on Graver Creek. This Limited License is intended to provide water in the area requiring irrigation outside of Certificate 43725's POU until the transfer application is approved.*

5. **PROJECT SCHEDULE:** (List day, month, and year)

Date water use will begin: May 2024  
 Date water use will be completed: October 2028

Months of the year water would be diverted and used: Mar - October (Irrigation season)

If for other than irrigation from stored water, how and where will water be discharged after use:

Paola Roselli  
 Applicant Signature  
Kim Hartman

PAOLA ROSELLI  
 Print Name and title if applicable  
Kim Hartman

3<sup>RD</sup> MARCH 2024  
 Date  
27-Mar-24

**PLEASE READ CAREFULLY**

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**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:**

*The Applicant has also submitted a transfer application to change the place of use of Certificate 43725 to include to acres proposed for this Limited License. The Limited License is therefore intended to provide irrigation water until the transfer is approved. As mitigation for this Limited License, the Applicant proposes to forebear use of irrigation over a portion of Certificate 43725's place of use (7.9 acres) roughly equivalent to the Limited License acreage (7.5 ac), as shown in the attached map.*

For WRD Use Only

LL-1972

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Salem, OR

***This page to be completed by the local Watermaster.***

**WATER AVAILABILITY STATEMENT**

Name of Applicant: Paola Roselli, Kim Hartman Limited License Number: LL-1972

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 Tualatin River Basin is regulated each year for senior water rights.

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

Yes, as long as the proposed forbearance occurs of the acres involved under certificate 43725. This forbearance is explained in an additional attachment in the LL Application.

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

Yes  No

If yes, what are your observations for the stream?

High water availability during winter months and low flow conditions during the summer.

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?

I recommend including the forbearance plan explained on the additional attachments as a condition on the Limited License.

5. Any other recommendations you would like to make?

Signature Jake Constans WM District #: 18 Date: 03/27/2024

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# Land Use Information Form

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

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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 a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

# 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<br>Paola Roselli or Kim Spencer Hartman |             |              | PHONE |  |  |
| MAILING ADDRESS<br>32508 SW Laurelview Road  |             |              |       |  |  |
| CITY<br>Hillsboro                            | STATE<br>OR | ZIP<br>97123 | EMAIL |  |  |

## 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: |
|----------|-------|---------|------|-----------|---|--|--|--|--------------------|
| 2S       | 3W    | 14      | NENW | 0900/     | AF-20   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | AF-20              |
| 2S       | 3W    | 14      | NWNE | 0905      | AF-20   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | AF-20              |
|          |       |         |      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |
|          |       |         |      |           |   | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                    |

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

|                   |
|-------------------|
| Washington County |
|-------------------|

**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) Graver Creek

Estimated quantity of water needed: 0.09   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

|  |
|--|
| The Applicant is proposing a Limited License to use water to establish olive and grape crops on the property, using the same point of diversion as their existing Certificate 43725. |
|--|

**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

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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 use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CDC Section 201-2.4

Land uses to be served by the proposed water use(s), 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies<br>& Ordinance Section References | Land-Use Approval:   |  |
|--|---|--|--|
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|  |   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Name: Cassandra O'Donnell Title: Associate Planner

Signature: *Cassandra O* Date: 03/01/2024

Governmental Entity: Washington County Phone: 503-846-8170

| Receipt Acknowledging Request for Land Use Information   |              |
|--|--------------|
| <b>Note to Local Government Representative:</b><br>Please complete this form and return it to the applicant. <b>For new water right applications only</b> , if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications. |              |
| Applicant Name: _____  |              |
| Staff Name: _____  | Title: _____ |
| Staff Signature: _____   | Date: _____  |
| Governmental Entity: _____   | Phone: _____ |

22-1972