

LL-1856

		DATE	DATE
NAME	Agent: Kim	ISSUED 4/8/2021	EXPIRES 4/8/2026
ADDRESS	Grigby Q51 1600 Amphitheatre Mountain View Pkwy CA 94043	DENIED	
PHONE	450-214-1176	WITHDRAWN	

DATE	FEES PAID	RECEIPT #
10-10-2021	\$2800	153155
FEES REFUNDED		

PUBLIC NOTICE DATE 11-10-2020AVAILABLE FOR ISSUANCE 11-25-2020AMOUNT 2.0 CFSUSE Industrial UseDURATION 1-15-2021 → 5 yrsSOURCE A Well (proposed wells)P.O.D. LOCATED SWSW, SEC 28, T2N, R13E, W.M.
50' N & 610' E from SW corner, section 28COUNTY WASC

RELATED FILES

WATERMASTER Robert Wood #3ODFW Jason BrandtDEQ Smita Mehta
Raven Whisler

MB

Groundwater Application Review Summary Form

Application # LL- 1856

GW Reviewer J. Hackett Date Review Completed: 03/16/2021

Summary of GW Availability and Injury Review:

Groundwater for the proposed use is either over appropriated, will not likely be available in the amounts requested without injury to prior water rights, OR will not likely be available within the capacity of the groundwater resource per Section B of the attached review form.

Summary of Potential for Substantial Interference Review:

There is the potential for substantial interference per Section C of the attached review form.

Summary of Well Construction Assessment:

The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).

WATER RESOURCES DEPARTMENT

MEMO

March 16, 2021

TO: Application LL- 1856

FROM: GW: J. Hackett
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

- YES The source of appropriation is hydraulically connected to a State Scenic Waterway or its tributaries
- NO

- YES Use the Scenic Waterway Condition (Condition 7J)
- NO

- Per ORS 390.835, the Groundwater Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below

- Per ORS 390.835, the Groundwater Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway**

DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in [Enter] Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 03/16/2021
 FROM: Groundwater Section J. Hackett
 Reviewer's Name
 SUBJECT: Application LL- 1856 Supersedes review of _____
 Date of Review(s) _____

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. GENERAL INFORMATION: Applicant's Name: Design, LLC County: Wasco

A1. Applicant(s) seek(s) 2.0 cfs from 1 well(s) in the Hood Basin,
 _____ subbasin

A2. Proposed use Industrial Seasonality: Year - round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed**	5	CRB	2.0	2N/13E-28 SW-SW	50' N, 610' E fr SW cor S 28
2						
3						
4						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	145	NA	NA	NA	320 est.	0-220 est.	TBD	TBD	TBD	NA	NA	NA

Use data from application for proposed wells.

A4. **Comments:** **Well is currently being constructed (Startcard 1050519). According to applicant's agent (GSI Water Solutions), this well will replace authorized POAs WASC 3249 and WASC 3255 on two certificates. The agent has filed a transfer application; this Limited License is intended to act as a bridge until the transfer application is processed. In order to develop the same aquifer as WASC 3249 and 3255, the agent has proposed well construction similar to WASC 3249.

A5. Provisions of the Hood Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water are, or are not, activated by this application. (Not all basin rules contain such provisions.)

Comments: _____

A6. Well(s) # 1, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: The Dalles Critical Area
 Comments: No groundwater is available for appropriation within The Dalles Critical Area.

B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that groundwater* for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. will not or will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c. will not or will likely to be available within the capacity of the groundwater resource; or
- d. will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. Condition to allow groundwater production from no deeper than _____ ft. below land surface;
- b. Condition to allow groundwater production from no shallower than _____ ft. below land surface;
- c. Condition to allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. Groundwater availability remarks: The proposed POA is located within The Dalles Critical Area, in which groundwater has been determined to be over-appropriated.

The applicant's proposed POA will likely produce from a single water-bearing zone in the Sand Hollow unit of the Wanapum Formation of the Columbia River Basalt Group (CRBG), a series of lava flows with a composite thickness greater than 2,000 feet locally (Burns, 2011). Each flow is characterized by a series of internal features, which generally include a thin rubble zone at the contact between flows and a thick, dense, low porosity and low permeability interior zone. In some cases, sedimentary layers were deposited during the time between basalt flow emplacements. A flow top, sedimentary interbed (if present) and flow bottom are collectively referred to as an interflow zone. Unconfined groundwater occurs near the weathered top of the basalts, but most water occurs in interflow zones under confining conditions at the contacts between lava flows. CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The low permeability of the basalt flow interiors usually results in little connection between stacked aquifers, which results in tabular aquifers with unique water level heads (Reidel et al., 2002).

C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	CRBG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Groundwater present within CRBG is typically limited to the porous interflow zones between dense flow interiors. These dense flow interiors generally have very low permeability, and provide considerable confinement where extensive faulting or incision by nearby streams have not occurred.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Chenoweth Creek	~60	~89	4360	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Columbia River	~60	~80	2800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: In the case of the applicant's well, the targeted water-bearing zone extends beneath the Columbia River to the north, and is not incised by local surface water drainages.

Water Availability Basin the well(s) are located within: No WAB is assigned to the area in which the POA is proposed.

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water (SW) source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that SW source, not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C5. If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or groundwater use under this permit can be regulated if it is found to substantially interfere with surface water:

- i. The permit should contain condition #(s) _____;
- ii. The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions: _____

References Used:

Burns, E.R., Morgan, D.S., Peavler, R.S., and Kahle, S.C., 2011, Three-Dimensional Model of the Geologic Framework for the Columbia Plateau Regional Aquifer System, Idaho, Oregon, and Washington; U.S. Geological Survey Scientific Investigations Report 2010-5246, 54 p.

Reidel, S.P., Johnson, V.G., Spane, F.A., 2002, Natural Gas Storage in Basalt Aquifers of the Columbia Basin, Pacific Northwest USA: A Guide to Site Characterization; Pacific Northwest National Laboratory Report PNNL-13962, 277 p.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

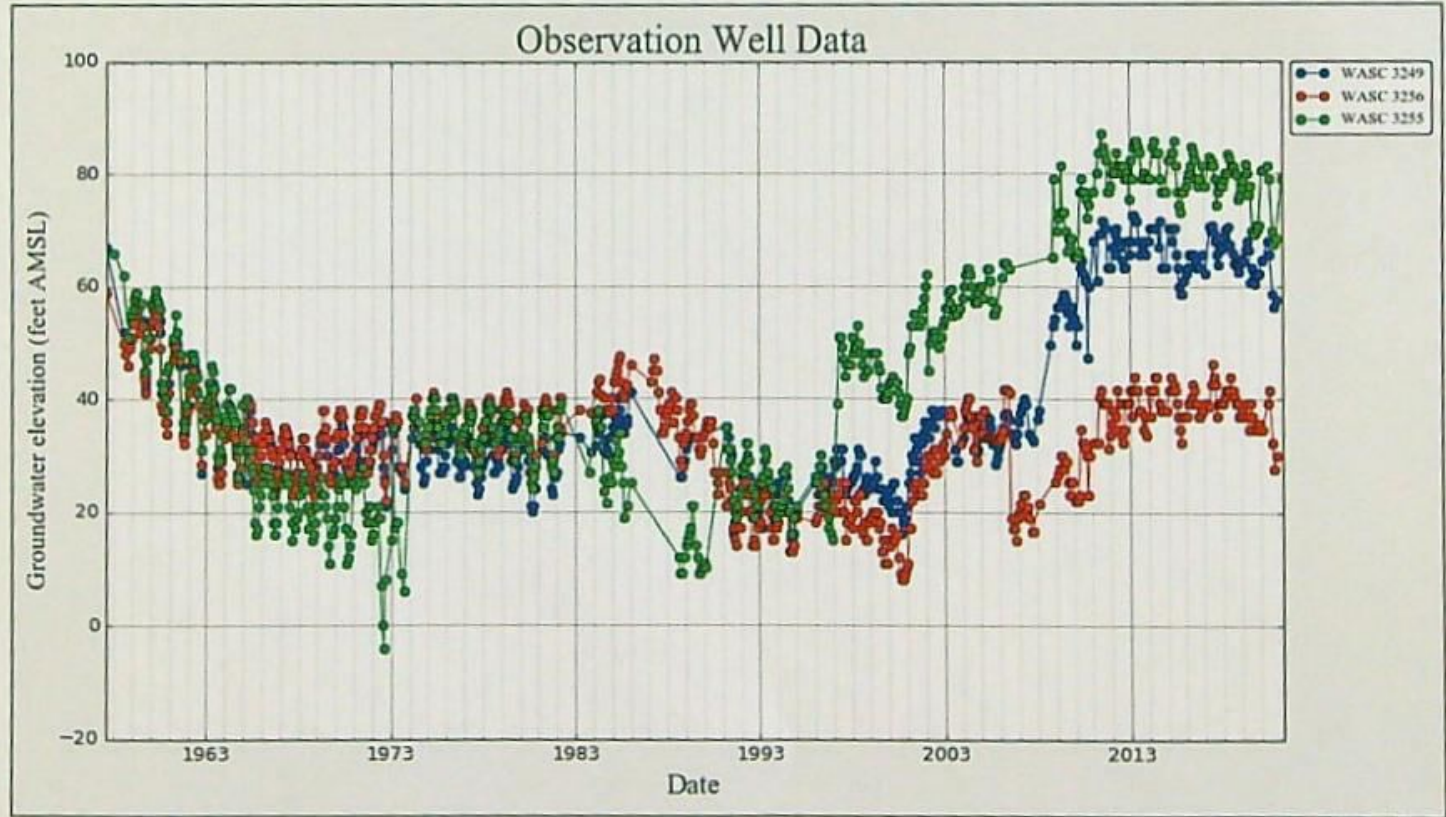
D2. THE WELL does not appear to meet current well construction standards based upon:

- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

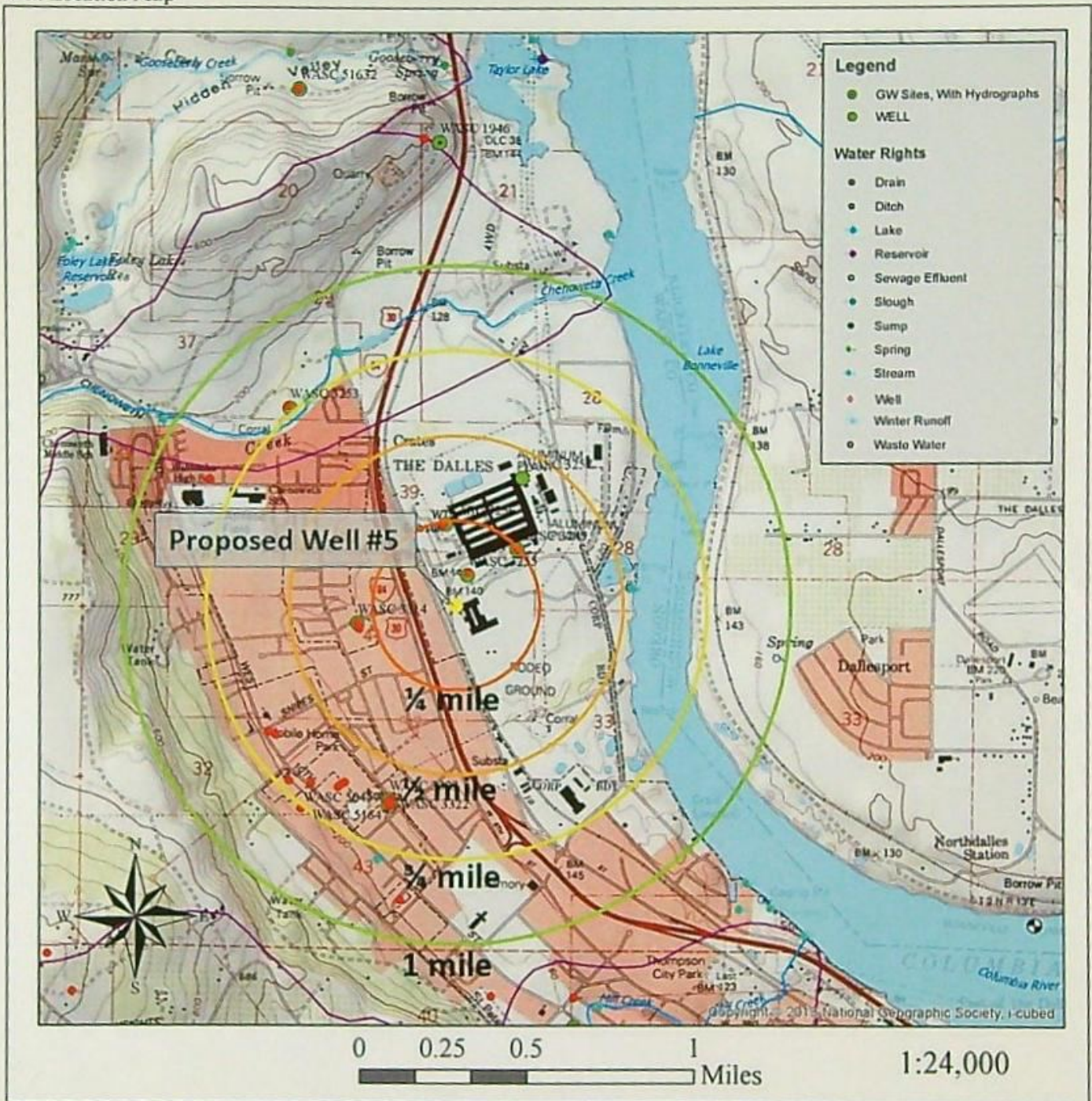
D3. THE WELL construction deficiency or other comment is described as follows: _____

D4. Route to the Well Construction and Compliance Section for a review of existing well construction.

Water-Level Measurements in Nearby Wells



Well Location Map



Oregon Water Resources Department

Final Order
Limited License Application LL-1856



Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date, the petition was filed, the petition shall be deemed denied.

Requested Water Use

Applicant: DESIGN, LLC

Date Submitted: OCTOBER 26, 2020

Amount: 2.0 CUBIC FEET PER SECOND (CFS)

Source: WELL 5 (PROPOSED)

Use: INDUSTRIAL USE

Duration: YEAR-ROUND; ISSUANCE THROUGH 5 YEARS, OR UPON APPROVAL OF A TRANSFER ON CERTIFICATES 46838 AND 82480, AUTHORIZING THE APPROPRIATION OF GROUNDWATER FROM A NEW POINT OF APPROPRIATION

County: HOOD RIVER

Pod Location: 2.00N-13.00E-28 SW SW

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On November 10, 2020, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has not received comments related to the possible issuance of the limited license.

4. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).
5. As part of its review to determine groundwater availability, the Department has determined that groundwater is determined to be over appropriated, will not likely be available in the amounts requested without injury to prior water rights, and will not likely be available within the capacity of the groundwater resource. The proposed point of appropriation is located within The Dalles Critical Groundwater Area, in which groundwater has been determined to be over-appropriated.
6. In order to offset impacts of pumping the well under this limited license, the applicant has informed the Department that they will forbear the use of Certificate 46838 in the amount of 1.2 CFS, along with an additional 0.8 CFS portion of Certificate 82480, during the term of this limited license.
7. With this information, the Department finds that there will not be any detrimental impacts of using water under this limited license as long as the terms and conditions are satisfied, and that water is available for the requested use. The proposed use, if properly conditioned and with forbearance of water use noted above, will avoid injury to existing groundwater rights or to the groundwater resource.
8. The Department has stipulated conditions pertaining to measurement and reporting.
9. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.200.
10. Pursuant to OAR 690-340-0030(4)(5), conditions have been added with regard to notice and water use measurement.
11. The City of The Dalles has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility statement is in the file.

Conclusions of Law

The proposed water use will not impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2), as limited in the order below.

Order

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, Application LL-1856 is approved as conditioned below.

1. The authorized use of water under this limited licenses is as follows:

Amount: 2.0 CFS

Source: WELL 5 (PROPOSED)

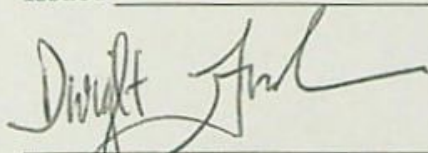
Use: INDUSTRIAL USE

Duration: YEAR-ROUND; ISSUANCE THROUGH 5 YEARS, OR UPON APPROVAL OF A TRANSFER ON CERTIFICATES 46838 AND 82480, AUTHORIZING THE APPROPRIATION OF GROUNDWATER FROM A NEW POINT OF APPROPRIATION

2. The licensee shall give notice to the Watermaster in the district where use is to occur not less than 15 days or more than 60 days in advance of using the water under the limited license. The notice shall include the location of the diversion, the quantity of water to be diverted, and the intended use and place of use. In the case of this application, this order serves as the notice described above.
3. Before water use may begin under this limited license, the licensee shall install a totalizing flow meter at each point of appropriation. The totalizing flow meter must be installed and maintained in good working order.
4. The licensee shall maintain a record of all water use, including the total number of hours of pumping, the total quantity pumped, 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 submitted to the Department upon request.
5. The Director may revoke the right to use water for any reason described in ORS 537.143(2), and OAR 690-340-0030(6). Such revocation may be prompted by field regulatory activities or by any other information. **This limited license will be revoked if the forbearance of water use is not adhered to, as described in Finding of Fact #6 and #7.**
6. Use of water under a limited license shall not have priority over any water right exercised according to a permit or certificate, and shall be subordinate to all other authorized uses that rely upon the same source.
7. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
8. A copy of this limited license shall be kept at the place of use, and be made available for inspection by the Watermaster or other state authority.

NOTE: This water-use authorization is temporary. Applicants are advised that issuance of this final order does not guarantee that any permit for the authorized use will be issued in the future; any investments should be made with that in mind.

Issued APR 08 2021



Dwight French, Water Right
Services Division Administrator, *for*
Thomas M. Byler, Director
Oregon Water Resources Department

cc: Robert L. Wood, District 3 Watermaster
Jason Brandt, ODFW
Hood@deq.state.or.us, DEQ
GSI Water Solutions, Inc. Attn: Kim Grigsby & Adam Sussman
Surface Water Section
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 986-0817 Fax: (503) 986-0901

BJORK Mary F * WRD

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Thursday, March 18, 2021 9:19 AM
To: BJORK Mary F * WRD
Subject: RE: LL-1856, in the name of Design LLC

Hi Mary,

Thank you for your message.

Justin mentioned that the groundwater review noted that the use was within the critical area. I wanted to let you know that we are aware of the critical groundwater but do not believe this application would have any impact to it. As described in the application, the limited license is requested to replace water use of 2 cfs under Certificates 46838 and 82480, which are currently being transferred to Well 5. Since the limited license would only be used until that transfer is approved, use under the certificates would not occur at the same time as use under the limited license. As a result, there would be no net increase in groundwater use from the critical groundwater area. Please let me know if you would like to discuss this issue further.

Thank you,
Kim

Kimberly Grigsby

Principal Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

GSI Water Solutions, Inc. | www.gsiws.com

pronouns: she, her

Please note: GSI is open for business, although most of us are working remotely. I'm available by phone or email, as always.

From: BJORK Mary F * WRD [mailto:Mary.F.Bjork@oregon.gov]
Sent: Thursday, March 18, 2021 9:02 AM
To: Kim Grigsby <kgrigsby@gsiws.com>
Cc: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>; MUCKEN Alyssa M * WRD <Alyssa.M.Mucken@oregon.gov>; BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: LL-1856, in the name of Design LLC

Hi Kim,

I'm aware that that the applicant is anxious about this application. I'm unable to give you a date for a final order at this time, but now that the groundwater review is complete, I can start my review which I hope to attend to shortly.

Best Regards,

Mary

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



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

From: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Sent: Thursday, March 18, 2021 8:32 AM
To: Kim Grigsby <kgrigsby@gsiws.com>
Cc: MUCKEN Alyssa M * WRD <Alyssa.M.Mucken@oregon.gov>; BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Subject: RE: LL-1856, in the name of Design LLC

Good morning Kim,
The GW review for this LL application was completed and forwarded to the Water Rights Services Division for further processing yesterday.
Regards,

Justin Iverson, RG
GROUNDWATER SECTION MANAGER
Oregon Water Resources Department
[Skype](#) (video) | [Teams](#) (chat) | Cell: 503-302-9728

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Monday, March 15, 2021 8:15 AM
To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>
Subject: RE: LL-1856, in the name of Design LLC

Thank you, Justin.

Kimberly Grigsby
Principal Water Resources Consultant
direct: 541.257.9004 | mobile: 503.351.1912
1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333
GSI Water Solutions, Inc. | www.gsiws.com
pronouns: she, her

Please note: GSI is open for business, although most of us are working remotely. I'm available by phone or email, as always.

From: IVERSON Justin T * WRD [<mailto:Justin.T.Iverson@oregon.gov>]
Sent: Friday, March 12, 2021 4:14 PM
To: Kim Grigsby <kgrigsby@gsiws.com>
Subject: RE: LL-1856, in the name of Design LLC

Hi Kim,
Josh was in the field again this week. I'll check in with him Monday and get back to you then.
Regards,

Justin Iverson, RG
GROUNDWATER SECTION MANAGER
Oregon Water Resources Department
[Skype](#) (video) | [Teams](#) (chat) | Cell: 503-302-9728

From: Kim Grigsby <kgrigsby@gsiws.com>
Sent: Wednesday, March 10, 2021 3:37 PM

To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>

Subject: RE: LL-1856, in the name of Design LLC

Hi Justin,

I am just checking back about the groundwater review for LL-1856. The client is fairly anxious about this application, as it is part of a complex plan to disconnect/reconnect water supplies for a couple of industrial facilities. Do you expect that Josh will have the review completed soon?

Thanks for any update you can provide.

Kim

Kimberly Grigsby

Principal Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

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From: IVERSON Justin T * WRD [<mailto:Justin.T.Iverson@oregon.gov>]

Sent: Thursday, February 4, 2021 11:08 AM

To: Kim Grigsby <kgrigsby@gsiws.com>

Subject: RE: LL-1856, in the name of Design LLC

Hi Kim,

This is the top/next review in Josh Hackett's queue. However, he'll be in the field for annual synoptic water level measurements most of this month. He's roughly scheduled to complete this review for the first week of March.

Regards,

Justin Iverson, RG

GROUNDWATER SECTION MANAGER

Oregon Water Resources Department

[Skype](#) (video) | [Teams](#) (chat) | Cell: 503-302-9728

From: Kim Grigsby <kgrigsby@gsiws.com>

Sent: Wednesday, February 3, 2021 12:55 PM

To: IVERSON Justin T * WRD <Justin.T.Iverson@oregon.gov>

Subject: LL-1856, in the name of Design LLC

Hi Justin,

I hope you are doing well.

I am wondering if you can give me a sense of where LL-1856 is in your queue for a groundwater review. Our client is wanting to understand the timing of when OWRD might complete processing of the limited license application.

Thanks for any update you can provide.

Kim

Kimberly Grigsby

Principal Water Resources Consultant

direct: 541.257.9004 | mobile: 503.351.1912

1600 SW Western Boulevard, Suite 240, Corvallis, OR 97333

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Application # LL- 1856

GW Reviewer J. Hackett Date Review Completed: 03/16/2021

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Summary of Well Construction Assessment:

The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).

WATER RESOURCES DEPARTMENT

MEMO

March 16, 2021

TO: Application LL- 1856

FROM: GW: J. Hackett
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

YES The source of appropriation is hydraulically connected to a State Scenic Waterway or its tributaries
 NO

YES Use the Scenic Waterway Condition (Condition 7J)
 NO

Per ORS 390.835, the Groundwater Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below

Per ORS 390.835, the Groundwater Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway**

DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in [Enter] Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 03/16/2021
 FROM: Groundwater Section J. Hackett
 Reviewer's Name
 SUBJECT: Application LL- 1856 Supersedes review of _____
 Date of Review(s) _____

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

OAR 690-310-130 (1) The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. GENERAL INFORMATION: Applicant's Name: Design, LLC County: Wasco

A1. Applicant(s) seek(s) 2.0 cfs from 1 well(s) in the Hood Basin, _____ subbasin

A2. Proposed use Industrial Seasonality: Year - round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed**	5	CRB	2.0	2N/13E-28 SW-SW	50' N, 610' E fr SW cor S 28
2						
3						
4						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	145	NA	NA	NA	320 est.	0-220 est.	TBD	TBD	TBD	NA	NA	NA

Use data from application for proposed wells.

A4. Comments: **Well is currently being constructed (Startcard 1050519). According to applicant's agent (GSI Water Solutions), this well will replace authorized POAs WASC 3249 and WASC 3255 on two certificates. The agent has filed a transfer application; this Limited License is intended to act as a bridge until the transfer application is processed. In order to develop the same aquifer as WASC 3249 and 3255, the agent has proposed well construction similar to WASC 3249.

A5. Provisions of the Hood Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water are, or are not, activated by this application. (Not all basin rules contain such provisions.)
 Comments: _____

A6. Well(s) # 1, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: The Dalles Critical Area
 Comments: No groundwater is available for appropriation within The Dalles Critical Area.

B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that groundwater* for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. will not or will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c. will not or will likely to be available within the capacity of the groundwater resource; or
- d. will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. Condition to allow groundwater production from no deeper than _____ ft. below land surface;
- b. Condition to allow groundwater production from no shallower than _____ ft. below land surface;
- c. Condition to allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. Groundwater availability remarks: The proposed POA is located within The Dalles Critical Area, in which groundwater has been determined to be over-appropriated.

The applicant's proposed POA will likely produce from a single water-bearing zone in the Sand Hollow unit of the Wanapum Formation of the Columbia River Basalt Group (CRBG), a series of lava flows with a composite thickness greater than 2,000 feet locally (Burns, 2011). Each flow is characterized by a series of internal features, which generally include a thin rubble zone at the contact between flows and a thick, dense, low porosity and low permeability interior zone. In some cases, sedimentary layers were deposited during the time between basalt flow emplacements. A flow top, sedimentary interbed (if present) and flow bottom are collectively referred to as an interflow zone. Unconfined groundwater occurs near the weathered top of the basalts, but most water occurs in interflow zones under confining conditions at the contacts between lava flows. CRBG flow features result in a series of stacked, thin aquifers that are confined by dense flow interiors. The low permeability of the basalt flow interiors usually results in little connection between stacked aquifers, which results in tabular aquifers with unique water level heads (Reidel et al., 2002).

C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	CRBG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Groundwater present within CRBG is typically limited to the porous interflow zones between dense flow interiors. These dense flow interiors generally have very low permeability, and provide considerable confinement where extensive faulting or incision by nearby streams have not occurred.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Chenoweth Creek	~60	~89	4360	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Columbia River	~60	~80	2800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: In the case of the applicant's well, the targeted water-bearing zone extends beneath the Columbia River to the north, and is not incised by local surface water drainages.

Water Availability Basin the well(s) are located within: No WAB is assigned to the area in which the POA is proposed.

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water (SW) source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that SW source, not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. 690-09-040 (4): Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: This section does not apply.

C4a. 690-09-040 (5): Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation:

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

- C5. If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or groundwater use under this permit can be regulated if it is found to substantially interfere with surface water:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions: _____

References Used:

Burns, E.R., Morgan, D.S., Peavler, R.S., and Kahle, S.C., 2011, Three-Dimensional Model of the Geologic Framework for the Columbia Plateau Regional Aquifer System, Idaho, Oregon, and Washington; U.S. Geological Survey Scientific Investigations Report 2010-5246, 54 p.

Reidel, S.P., Johnson, V.G., Spang, F.A., 2002, Natural Gas Storage in Basalt Aquifers of the Columbia Basin, Pacific Northwest USA: A Guide to Site Characterization; Pacific Northwest National Laboratory Report PNNL-13962, 277 p.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

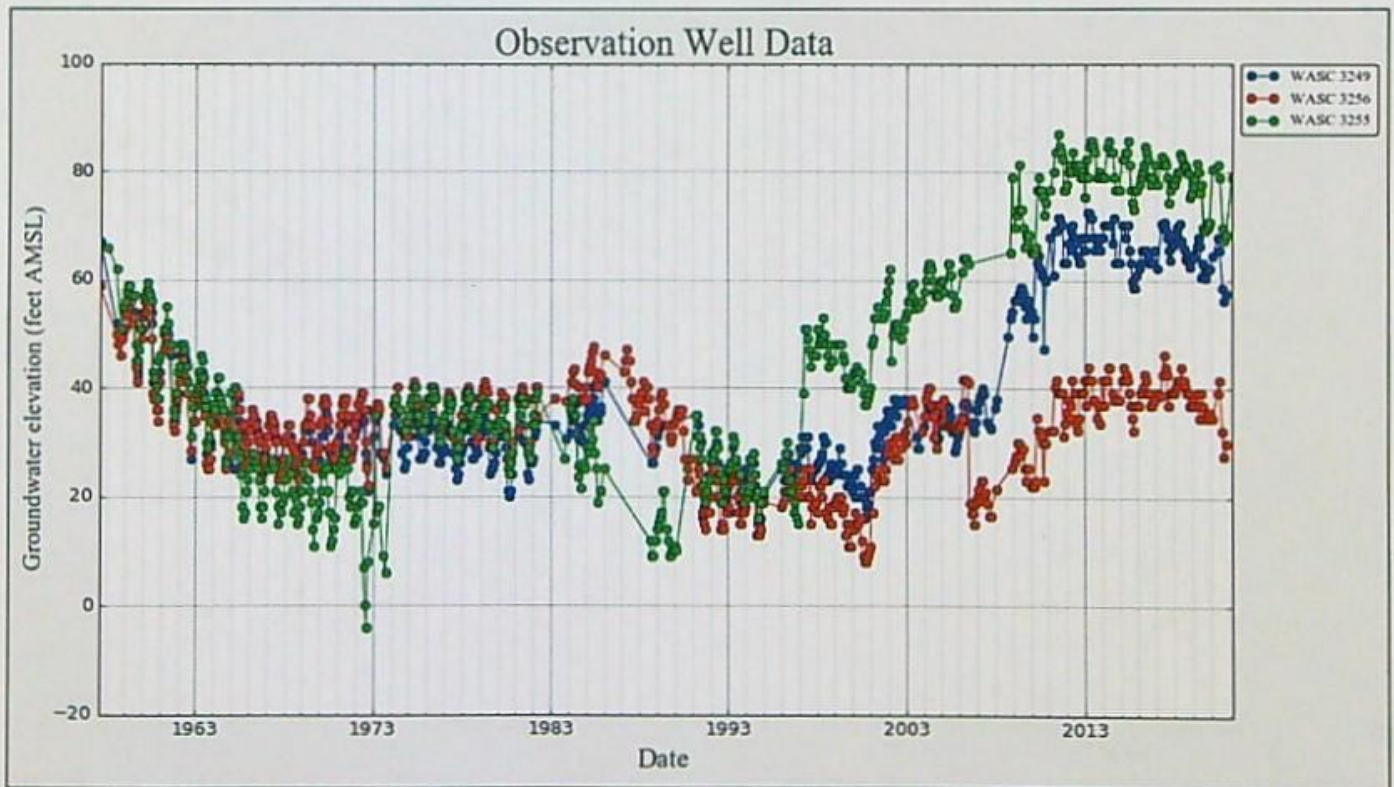
D2. THE WELL does not appear to meet current well construction standards based upon:

- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

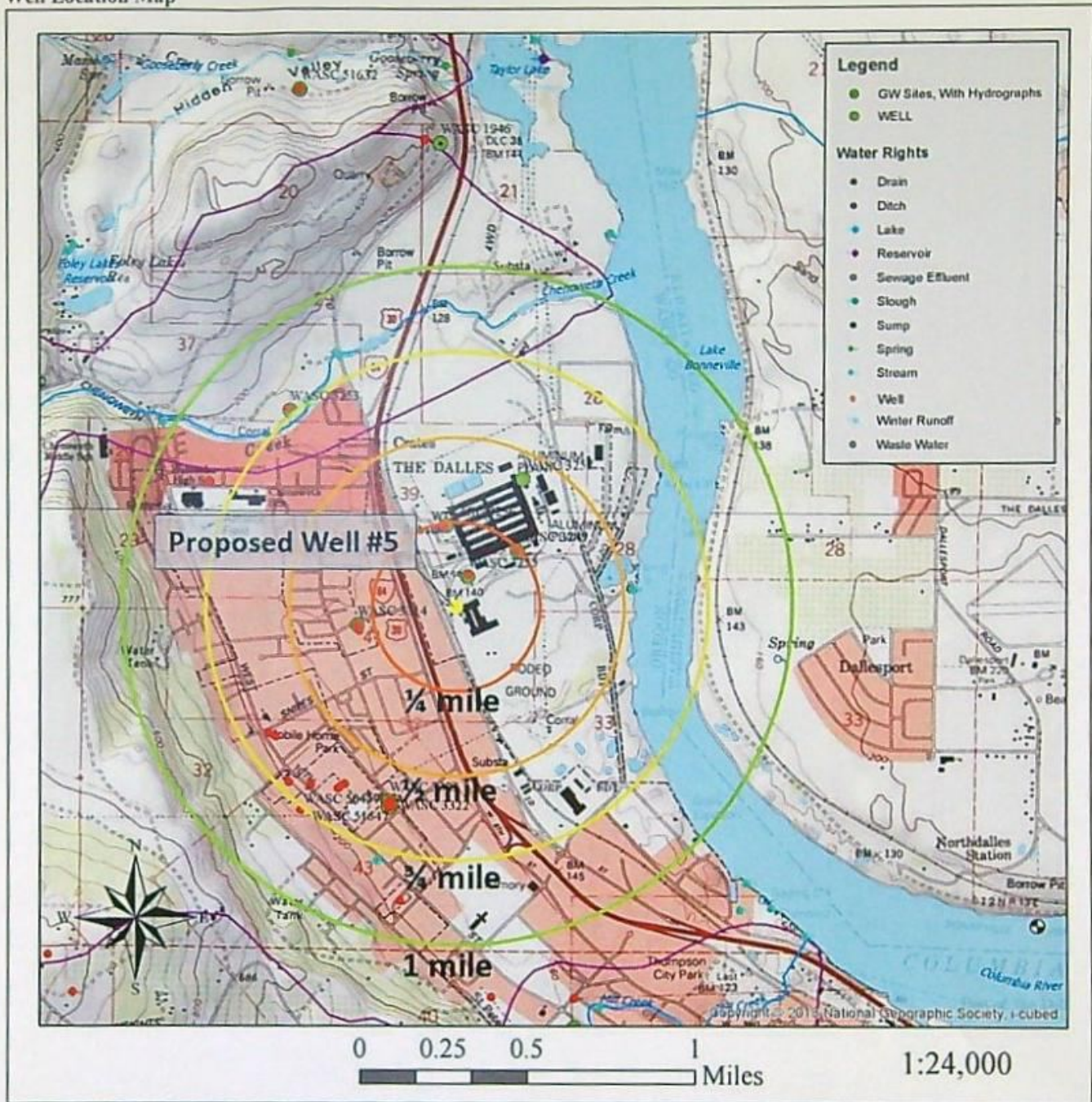
D3. THE WELL construction deficiency or other comment is described as follows: _____

D4. Route to the Well Construction and Compliance Section for a review of existing well construction.

Water-Level Measurements in Nearby Wells



Well Location Map



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **133755**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: 621 Water Solutions, Inc.

APPLICATION	<u>44-1856</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK # 22930 OTHER: (IDENTIFY)

TOTAL REC'D \$ 280.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY)	\$
0243	I/S Lease	_____
0244	Muni Water Mgmt. Plan	_____
0245	Cons. Water	_____

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES	\$	
0410	RESEARCH FEES	\$	
0408	MISC REVENUE: (IDENTIFY)	\$	
TC162	DEPOSIT LIAB. (IDENTIFY)	\$	
0240	EXTENSION OF TIME	\$	
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE \$	RECORD FEE 0202 \$
0203	GROUND WATER	\$	0204 \$
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$	LICENSE FEE 0219 \$
	LANDOWNER'S PERMIT		0220 \$
<u>0224</u>	OTHER (IDENTIFY) <u>Limited License</u>		<u>\$280.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #
0210	MONITORING WELLS	\$	CARD #
_____	OTHER (IDENTIFY)		

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **133755**

DATED: 10-26-2020 BY: PJ



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

November 16, 2020

DESIGN LLC
1600 AMPHITHEATRE PARKWAY
MOUNTAIN VIEW, CA 94043

Reference: LL-1856

We received your request on October 26, 2020 for a limited license to use 2.000 CUBIC FEET PER SECOND from A WELL a tributary of COLUMBIA RIVER for INDUSTRIAL/MANUFACTURING USES. Enclosed is a copy of your receipt #133755 in the amount of \$ 280.00.

As required by OAR 690-340-030, a description of this license request will be included in the Department's weekly public notice. A-14 day public comment period will begin at that time. Any substantial public interest issues raised during the comment period must be addressed before your application is processed further.

At this time, a preliminary review of your application has been completed. As a result of that review the Department has concluded that your proposed water use may occur in an area that may affect the habitat of sensitive, threatened or endangered fish species. This determination is based upon information provided by Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the appropriate Indian tribes.

This letter will serve as your notice (required by OAR 690-33-330 (1)) that based on this preliminary determination, your proposed use may affect the habitat of sensitive, threatened or endangered fish species and the application may be conditioned or denied.

We are also required to notify an interagency review team comprised of staff from the Departments of Agriculture, Environmental Quality, Fish and Wildlife, Water Resources and other state natural resource agencies as appropriate.

The interagency review team will be convened, as needed; to review applications that the Department determines may affect sensitive, threatened or endangered fish species. The interagency review team, if possible, will attempt to condition the proposed use, if necessary, to ensure there is no loss of essential habitat as identified by ODFW.

If the interagency review team cannot condition the proposed use to ensure there is no loss of essential habitat as identified by ODFW, the interagency review team may recommend denial of the application unless it concludes that the proposed use would not harm the species.

If you need further assistance, contact Mary Bjork in the Water Rights Section at the address listed above or phone 503.986.0817.

Enclosure

cc: File
Watermaster #3
Jason Brandt, ODFW
Smita Mehta, DEQ
Karen Whisler, DEQ



GSI WATER SOLUTIONS, INC.

022930

Check Date: 10/7/2020

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Limited Lic 10.7.20	10/7/2020	0017243	280.00			280.00
Oregon Water Resources Department		TOTAL	280.00			280.00
Key Bank 8460 - GSI Water 7		245				

RECEIVED

OCT 26 2020

OWRD

Limited License Completeness Checklist

Minimum Requirements (OAR 690-340-0030) (ORS 537.143)

Received Date:	10/26/2020	POD TRSQQ:	T2N, R13E, Section 28, SWSW
Public Notice Date:	11/10/2020		
Earliest Issue Date	11/25/2020	POU TRSQQ:	See Map
Source:	A Well		
Amount:	2.0 CFS		
Duration:	1/15/2021 thru 5 years or completed xfer	Watermaster:	Robert Wood #3
County:	Wasco	ODFW:	Jason Brandt
Basin:	Hood	DEQ:	Smita Mehta, Karen Whisler

- Applicant/Organization Name, Mailing Address, Telephone Number, and Contact Person. *Signature in ink.*
- Source listed?
- If source is groundwater...are well log(s) or sufficient information for the Department to determine aquifer, well depth, well seal, open interval, etc. included? Was the intended aquifer identified? If for multiple wells, each map location shall be clearly tied to a well log.
- Proposed use of the water — is each proposed use identified?
- N/A - If source is stored water — Is there a contract for delivery of stored water? Must have a copy.
- N/A - If use is supplemental — is the primary water right listed?
- Amount of water — from each source listed in GPM, CFS or AF?
- N/A - Acreage proposed, if applicable.
- Duration of Limited License being requested by applicant.
- Project schedule — Date when water use will start and date when water use will be completed
- Is the application signed in ink by the applicant(s) or by the authorized agent with title or authority if an organization or corporation?
- Watermaster Report — Is the local Watermaster's report on water availability included?
- Land Use Form — Is a Land Use Form included, and completed by local planning officials? *Signature must be within the last 12 months.*
- Does the map meet requirements of OAR 690-340-0030? If map is larger than 11 x 17, four copies must be submitted.
 - Township, Range, Section
 - Location of each diversion point, well or dam
 - Reference corner on map
 - Each POD coordinate by reference to a recognized public land survey corner
 - Scale of the map, not less than 2" = 1 mile
 - Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.
- Fees enclosed?

\$280.00 including the first point of diversion:	\$280.00
\$30.00 for each additional point of diversion:	0
Total fee:	\$280.00
Fee Paid:	\$280.00
Still Owed:	0

Completeness Check by: **Mary Bjork**

Date: **11/2/2020**

Applications for Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licensees must maintain a record of how much water they are using (ORS 537.143). **The Department may approve a license after November 24, 2020, upon finding that the proposed water use will not impair or be detrimental to the public interest (OAR 690-340-030).** The public is invited to provide comments that will assist the Director in determining whether the use would impair or be detrimental to the public interest. If the applicant applies for a use that is not one of the standard uses listed in OAR 690-300, the Department may, for the purposes of this notice, assign a named use that is reasonably close to the use actually requested. The public may examine the actual application by clicking the associated hyperlink and then choosing "LL Application" under "Scanned Documents."

App#	LL-1855
County/Basin	Umatilla / Umatilla (7)
Applicant Name	AYLETT, WADE ROCK SOLID SAND AND GRAVEL LLC 74854 WASHINGTON LN IRRIGON, OR 97844
Sources/TRSQ40Q160	A RESERVOIR > UMATILLA RIVER / 4.00N 27.00E 28 NENW A RESERVOIR > UMATILLA RIVER / 4.00N 27.00E 28 NENE
Use/Quantity	GENERAL CONSTRUCTION OR MAINTENANCE / 0.890 CFS

App#	LL-1856
County/Basin	Hood River / Hood (4)
Applicant Name	DESIGN LLC 1600 AMPHITHEATRE PARKWAY MOUNTAIN VIEW, CA 94043
Sources/TRSQ40Q160	A WELL > COLUMBIA RIVER / 2.00N 13.00E 28 SWSW
Use/Quantity	INDUSTRIAL/MANUFACTURING USES / 2.000 CFS

IMPORTANT: Due to COVID-19, the Department's office is closed to walk-in services. The Department encourages the submission of protests by U.S. mail. Please consider mailing early to ensure the Department receives the protest by the deadline specified.



October 21, 2020

Mary Bjork
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RECEIVED

OCT 26 2020

OWRD

RE: Limited Water Use License Application in the name of Design, LLC

Dear Ms. Bjork,

On behalf of Design, LLC, we are submitting the enclosed application for a Limited Water Use License and supporting documentation. Also enclosed is the \$280 application fee. The Limited License Application is proposing to appropriate groundwater from a new well (Well 5) for industrial use at a total rate of up to 2 cubic feet per second.

Water is currently used at the proposed place of use under Certificate 46838, and a portion of Certificate 82480. Design, LLC, is filing a transfer application for the entirety of Certificate 46838 and a 0.8 CFS portion of Certificate 82480 to authorize the appropriation of groundwater from a new Well 5 for use at the proposed place of use described in this application. The water right transfer, however, is expected to take approximately one year to be approved. Design, LLC is requesting this limited license to authorize the use of groundwater from the new point of appropriation (Well 5) while this water right transaction is pending.

Please contact me if you have any questions. My telephone number is 541-257-9004.
Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Application for a Limited Water Use License and Attachments
Application fee in the amount of \$280

LL-1856



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

RECEIVED

OCT 26 2020

OWRD

License No.: LL-1856

Applicant Information

NAME Design, LLC		PHONE (HM)	
PHONE (WK) 650-214-1176	CELL	FAX	
ADDRESS 1600 Amphitheatre Parkway			
CITY Mountain View	STATE CA	ZIP 94043	E-MAIL *

Agent Information

NAME GSI Water Solutions, Inc. Attn: Kimberly Grigsby		PHONE 541-251-9004	FAX
ADDRESS 1600 SW Western Blvd., Suite 240			CELL
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL * kgrigsby@gsiws.com

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:** Well 5 a tributary of Columbia River
- AMOUNT OF WATER** to be diverted;
 Maximum and instantaneous rate (cubic feet or gallons per minute): 2 CFS
 Total volume (gallons or acre-feet): Maximum of 1448 AF based on 2 CFS*. If water is to be used from more than one source, give the quantity from each: N/A *Actual use expected to be less
- INTENDED USE(S) OF WATER:** (check all that apply)
 - Road construction or maintenance
 - General construction
 - Forestland and rangeland management; or
 - Other: Industrial Use
- 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 response in Attachment A.
- PROJECT SCHEDULE:** (List day, month, and year)
 Date water use will begin: Upon completion of Well 5, estimated January 15, 2021.
 Date water use will be completed: Upon approval of a transfer for Certificates 46838 and 82480 allowing for the appropriation of ground water from Well 5 or 5 years after issuance of a Limited License.
 Months of the year water would be diverted and used: Year-round

If for other than irrigation from stored water, how and where will water be discharged after use:
See response in Attachment A.

DocuSigned by:

 Applicant Signature

Gary Demasi
 Print Name and title if applicable
 Authorized Signatory

10/18/2020
 Date

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:

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LL-1856

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Attachment A
Item 4 and 5 Responses
Application for a Limited Water Use License

LL-1856

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:

Water will be pumped from Well 5 with a submersible 150 horsepower turbine pump. Approximately 100 linear feet of 8 inch diameter pipe will connect well 5 to the existing distribution network of 8 inch diameter piping. Water from the distribution network will supply fire hydrants around the perimeter of buildings on the property and will be used for domestic-type industrial purposes in the facility and as a backup source for both contact and non-contact cooling water in a casting plant.

5.

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

The non-contact cooling water, when used under this limited license, will be discharged into the Columbia River as allowed under NPDES Permit OR0001708. Water from the contact cooling water system that does not evaporate onsite will be collected onsite, treated and ultimately discharged as allowed under the City of The Dalles IWWDP No. 2018-002.

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Attachment B
Water Availability Statement
Application for a Limited Water Use License

LL-1854

This page to be completed by the local Watermaster.

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WATER AVAILABILITY STATEMENT

Name of Applicant: Design LLC Limited License Number: LL-1854

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 well is located in The Dalles Critical Groundwater Area. To my knowledge, no junior GW rights have been regulated off for senior rights to date, but the area is monitored and new GW applications are not allowed.*

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 *This LL is a short term*

use until a permanent POA transfer can be processed and approved. As long as use from well 5 does not exceed water use allowed under certs 46838 + 82480, water should be available.

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

Yes No

If yes, what are your observations for the stream? *GW levels in "The Dalles Pool" appear to be relatively stable. (basalt aquifer)*

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 would recommend the amount of water used from well 5 not exceed the amount allowed from wells 3 + 4 under certs 46838 + 82480. Flow meters are in place on wells 3 + 4, so I would also recommend a flow metre for well 5.*

5. Any other recommendations you would like to make?

Signature: *Robert Wood* WM District #: 3 Date: 10/8/2020

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Attachment C
Application Map

Application for a Limited Water Use License

LL-1854

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Attachment D
Land Use Information Form
Application for a Limited Water Use License

LL-1856

Land Use Information Form



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.wrd.state.or.us

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Applicant: Design LLC
First Last

Mailing Address: 1600 Amphitheatre Parkway
Mountain View CA 94043 541-251-9004
City State Zip Daytime Phone:

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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:
2N	13E	28	SESW	1100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial
2N	13E	28	SWSW	1100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial
2N	13E	33	NWNW	1100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial
2N	13E	33	NENW	1100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Industrial

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

The City of The Dalles, OR

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 2 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:

Design, LLC is requesting a Limited License to appropriate water from Well 5 for industrial use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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): The Dallas Municipal Code, Title 10 - Land Use and Development Section 10.5.090-020 Permitted Uses (8) Manufacturing
- 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.

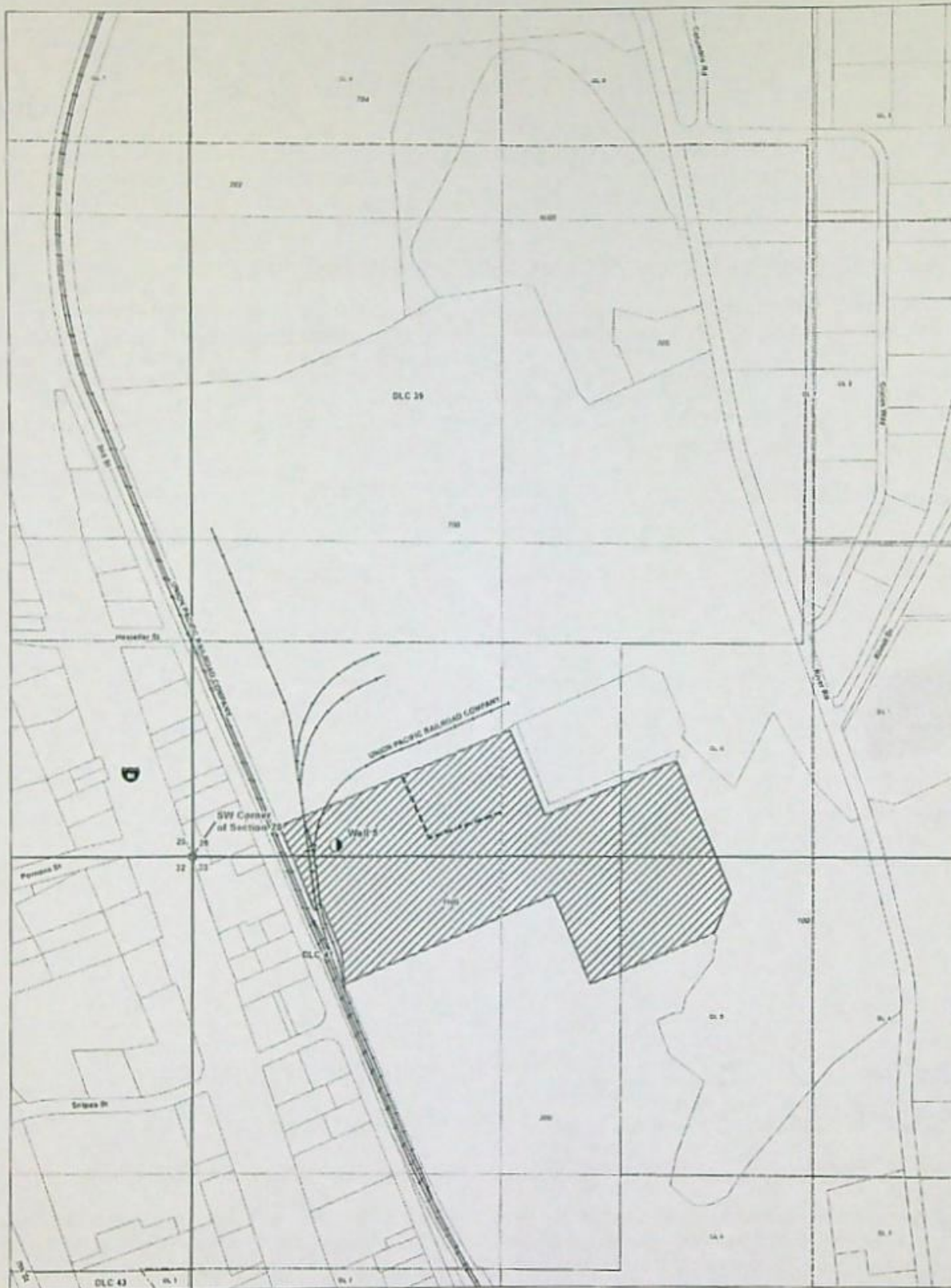
Name: Dawn Marie Hert Title: Senior Planner
 Signature: [Signature] Phone: 541-296-5481 x1129 Date: 10/19/20
 Government Entity: City of The Dalles

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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LEGEND

- Proposed Point of Appropriation (POA)
- Conveyance
- ▨ Proposed Place of Use (POU)
- ▭ Tax Lot
- ▭ Donation Land Claim (DLC)
- ▭ Government Lot (GL)
- Railroad
- Watercourse
- Waterbody

POA LOCATION DESCRIPTION

Well 2 (Proposed): 50' North and 910' East from the SW corner of Section 28, Township 2 North, Range 13 East (W.M.)

DISCLAIMER

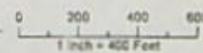
This map was prepared for the purpose of identifying the location of a water right site and it is not intended to provide legal dimensions or location of property ownership lines.

**Application for a Limited Water Use License
in the Name of Design, LLC**
Township 2 North, Range 13 East (W.M.)

MAP NOTES

Drawn: October 8, 2020

Data Sources: BLM, ESRI, USGS, Waco Co. GIS



22-1854



LEGEND

- Proposed Point of Appropriation (POA)
- Conveyance
- Proposed Place of Use (POU)
- Tax Lot
- Donation Land Claim (DLC)
- Government Lot (GL)
- Railroad
- Watercourse
- Waterbody

POA LOCATION DESCRIPTION
 Well 5 (Proposed): 50 North and 610 feet East from the SW corner of Section 28, Township 2 North, Range 13 East (W.M.)

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

**Application for a Limited Water Use License
 in the Name of Design, LLC**

Township 2 North, Range 13 East (W.M.)

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MAP NOTES
 Date: October 8, 2020
 Data Sources: BLM, ESRI, USGS, Wasco Co. GIS

