

Oregon Water Resources Department

Final Order Limited License Application LL-1995



Appeal Rights

This is a final order in other than 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 (As amended on May 21, 2025)

Applicant: DOMAINE SERENE VINEYARD AND WINERY, INC.

Date Submitted: OCTOBER 10, 2024

Amount: 10 GALLONS PER MINUTE (0.022 CUBIC FOOT PER SECOND) UP TO 11.15 ACRE-FEET

Source: A WELL (POLK 54400)

Use: IRRIGATION TO ESTABLISH GRAPES ON 22.28 ACRES

Period of Use: MAY 1 THROUGH OCTOBER 31 OF EACH YEAR; FROM MAY 1, 2026, THROUGH OCTOBER 31, 2027

County: POLK COUNTY

Well Location: 6.00S-3.00W-18 NW NW

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.

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On October 15, 2024, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has not received public comment 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. The Department has determined that the well has hydraulic connection to and is within a quarter mile of King Creek, therefore the well has the Potential for Substantial Interference (PSI) with surface water per OAR 690-009-0040(4)(a). The PSI finding requires that surface water availability be considered.
6. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's statewide rules under OAR 690-033-0310. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. The Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Environmental Quality (ODEQ) recommended that the proposed use be mitigated, to achieve the standards listed in OAR 690-033-0330(2)(a) and (b).
7. On May 21, 2025, the agent, on behalf of the applicant, reduced the maximum instantaneous rate to 10 gallons per minute and amended the project schedule dates to May 1 through October 31 of each year; from May 1, 2026, through October 31, 2027.
8. As a means to minimize impacts for sensitive, threatened, or endangered fish species, ODFW and ODEQ support the applicant's May 21, 2025, amendments to rate and project duration.
9. As part of its review to determine groundwater availability, the Department has determined that groundwater is not over appropriated and is available for the requested use. The proposed use will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource. The Department has stipulated conditions pertaining to measurement and reporting and meeting applicable standards in the Columbia River Basalt Group. A copy of this review is in the file.
10. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.
11. Pursuant to ORS 537.143(1), the use of water for irrigation is not eligible for a limited license except as provided in subsections (4) to (6) and (9) of the statute.
12. In this location, grapes do not necessarily require continuing irrigation after establishment. This limited license is issued to establish grapes. The Department may issue a limited license for irrigation if the sole purpose of the use is to provide water necessary to establish a crop for which no further irrigation will be required after the crop is established. ORS 537.143(6)(a).
13. The Department may not issue a limited license for the same use for more than five consecutive years. (ORS 537.143)(8).
14. Pursuant to OAR 690-340-0030(4) and (5), conditions have been added with regard to notice and water-use measurement.
15. Polk County 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).

Order

Therefore, pursuant to ORS 537.143, ORS 537.144, and OAR 690-340-0030, Application LL-1995 is approved as conditioned below.

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

Amount: 10 GPM (0.022 CFS) UP TO 11.15 AF

Source: A WELL (POLK 54400)

Use: IRRIGATION TO ESTABLISH GRAPES ON 22.28 ACRES

Duration: MAY 1 THROUGH OCTOBER 31 OF EACH YEAR; FROM MAY 1, 2026,
THROUGH OCTOBER 31, 2027

Well Location: 6.00S-3.00W-18 NW NW

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.
3. Before water use may begin under this limited license, the licensee shall install a totalizing flow meter, or other suitable measuring device as determined by the watermaster, at each point of appropriation. The measuring device 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 annually and shall be submitted to the Watermaster upon request.
5. Groundwater production shall only be allowed from a single aquifer in the Columbia River Basalt Group (CRBG) groundwater reservoir.
6. The well (POLK 54400) obtains groundwater from the CRBG aquifer system, which is in the Eola Hills Groundwater Limited Area and is classified for exempt uses, irrigation, and rural residential fire protection systems only (OAR 609-502-0200). Irrigation use under this rule is further limited to drip or equally efficient irrigation.
7. Static Water Level Condition:
 - (1) Use of water from any well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water-level decline of three or more feet per year for five consecutive years; or
 - (b) A total water-level decline of 15 or more feet; or
 - (c) A hydraulic interference decline of 15 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The licensee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well(s).

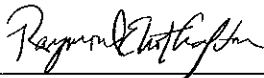
- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and reported to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water-level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water-level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well constructor, licensed pump installer, or the licensee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment is available from the Department.
 - (e) The licensee /appropriator shall report the record of measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (2).
8. Each basalt well shall be cased and continuously sealed from land surface to a depth of at least 50 feet to preclude hydraulic connection to nearby streams.
9. Any well authorized as a Point of Appropriation (POA) under this limited license shall be open to a single aquifer of the Columbia River Basalt Group and shall meet the applicable well construction standards (OAR 690-200 and OAR 690-210). In addition, the open interval in each well shall be no greater than 100 feet. An open interval of greater than 100 feet may be allowed if substantial evidence of a single aquifer completion can be demonstrated to the satisfaction of the Department Hydrogeologists, using information from a video log, downhole flowmeter, water chemistry and temperature, or other downhole geophysical methods. These methods shall characterize the nature of the basalt rock and assess whether water is moving in the borehole. Any discernable movement of water within the well bore when the well is not being pumped shall be assumed as evidence of the presence of multiple aquifers in the open interval. Single aquifer completion for any well with an open interval greater than 100 ft should be demonstrated to the satisfaction of the Department Hydrogeologists prior to authorization as a POA under this limited license.

If, during well construction or repair, it becomes apparent that the well can be constructed to eliminate aquifer commingling or interference with hydraulically connected streams in a manner other than specified in this limited license, the licensee can contact the Department Hydrogeologist for this limited license or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any new permanent casing and sealing material. If the request is made after casing and seal are placed, the requested modification will not be approved.

10. For any well constructed under this limited license, a dedicated water-level measuring tube shall be installed in each well. The measuring tube shall meet the standards described in OAR 690-215-0060. When requested, access to the wells shall be provided to Department staff in order to make water-level measurements.
11. For any wells constructed or deepened under this limited license, the licensee shall coordinate with the driller to ensure that drill cuttings are collected at 10 ft intervals and at changes in formation in each well. A split of each sampled interval shall be provided to the Department.
12. If any geologic and hydrogeologic reports are completed for the licensee during the development of authorized wells, including geophysical well logs and borehole video logs, then copies of the reports shall be provided to the Department. Except for borehole video logs, two paper copies or a single electronic copy shall be provided of each report. Digital tables of any data shall be provided upon request.
13. Water user shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each well authorized, unless an exemption has been obtained in writing under OAR 690-217.
14. Water use under this limited license shall be shut off if either Certificate 30528 or Certificate 31628 does not receive the water to which it is legally entitled. Water use shall remain shut off until the following spring, unless it is specifically re-authorized by The Director.
15. Water may be used under this limited license only to establish a crop for which no future irrigation will be required after the crop is established (ORS 537.143(6)(a)).
16. 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.
17. 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.
18. By law, the land use associated with this water use must comply with statewide land-use goals and any local acknowledged land-use plan.
19. 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 SEP 10 2025



Raymond Eliot Crafton
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

cc: Joel M. Plahn, District 22 Watermaster
Western Region, ODFW
Middle Willamette, DEQ
Nicholas Blundon, Blundon Engineering, LLC
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) 979-9895 Fax: (503) 986-0901