

Oregon Water Resources Department

Final Order Limited License Application LL-2014



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

Applicant: TA OPERATING LLC

Date Submitted: JULY 24, 2025

Amount: 80 GALLONS PER MINUTE (0.178 CUBIC FOOT PER SECOND (CFS)); UP TO 10,000,000 GALLONS ANNUALLY

Source: A WELL (MARI 63260)

Use: COMMERCIAL USE

Period of Use: YEAR-ROUND USE; FROM LIMITED LICENSE ISSUE DATE THROUGH THREE YEARS OR PERMANENT WATER RIGHT

County: MARION COUNTY

Well Location: 4.00S-1.00W-9 NE SE

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 July 29, 2025, 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. As part of its review to determine groundwater availability, the Department has determined that groundwater 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 Columbia River Basalt Group, measurement and reporting and meeting applicable standards. A copy of this review is in the file.
6. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.
7. The Department may not issue a limited license for the same use for more than five consecutive years. (ORS 537.143(8)).
8. Pursuant to OAR 690-340-0030(4) and (5), conditions have been added with regard to notice and water-use measurement.
9. Marion 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-2014 is approved as conditioned below.

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

Amount: 80 GPM (0.178 CFS); UP TO 10,000,000 GALLONS ANNUALLY

Source: A WELL (MARI 63260)

Use: COMMERCIAL USE

Duration: YEAR-ROUND USE; FROM LIMITED LICENSE ISSUE DATE THROUGH THREE YEARS OR PERMANENT WATER RIGHT

Well Location: 4.00S-1.00W-9 NE SE

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, 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. Any well authorized as a Point of Appropriation (POA) under this limited license or subsequent authorizations 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 or subsequent authorizations.

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.

6. For any well constructed under this or subsequent authorizations, 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.
7. For any wells constructed or deepened under this or subsequent authorizations, the applicant 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.
8. If any geologic and hydrogeologic reports are completed for the licensee during the development of the 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.

9. Static Water Level Condition:

For each well on this authorization, beginning on the limited license signature date for existing wells or in the year well construction is completed for new wells, and each year thereafter, the licensee must report a static water-level measurement ("measurement") taken in March. The measurement is required whether the well is used or not. If pumping is to commence following completion of the well and prior to the next March, then a measurement must be made at least one week following well completion and before pumping commences.

Measurements must be properly reported within 30 days of measurement using forms specified by the Department. A measurement will be properly reported if the submission includes all required

information as listed in the document attached. Measurements must be made with equipment that is accurate to the standards specified in Oregon Administrative Rule (OAR) 690-217-0045.

Measurements must be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed land surveyor, licensed well constructor, pump installer licensed by the Construction Contractors Board, or Department staff. The Department is not responsible for regular measurement of the static water level, but Department staff may measure the well during the normal course of groundwater level monitoring or to confirm the submitted measurement(s).

For each well on this limited license, the Department will establish a reference groundwater level using the best available data. The reference level is intended to represent the highest elevation (shallowest depth) static water level that has been measured or can be reasonably estimated to have existed within each well at any time before its reference level is set. If Annual High Water Levels have been increased measurably by human activity, then the Department may set a different reference level using best available information. If the licensee fails to measure and report the static water level within 12 months of limited license issuance, or of completion of the well(s), then Department staff will estimate the static water level using available data, including measurements in surrounding wells.

All water use authorized under this limited license must immediately stop if any of the following occur:

- A. Any annual high elevation static groundwater level in any well on this limited license declines 15 or more feet below the reference level for that well, or
- B. Groundwater levels are not measured and properly reported as specified above for any completed well that is authorized on the limited license for two consecutive years, or
- C. Hydraulic interference contributes to a decline of 15 or more feet in any neighboring well with senior priority, at any time during the year.

The Department will determine when any of the above conditions have occurred and may order the licensee to stop all water use under this limited license. The licensee is also responsible for stopping all water use if they become aware that any of the conditions have occurred, even without notice from the Department. Following such a stop, water use under this limited license will not be allowed and may only resume once the licensee receives notice from the Department. If the licensee fails to stop use, then the Department may take control of the controlling works of any wells authorized under this limited license and may reduce the amount of groundwater pumped until the unlawful use is eliminated.

The licensee acknowledges that that one or more of the conditions requiring stoppage of use may occur prior to any use of any well on this limited license.

The Department may allow the licensee to pause annual water level measurement and reporting requirements from some of the authorized wells if measurements from those wells are redundant with other data being collected by the Department. The licensee must receive written notification of such an allowance before stopping measurements. If this happens, the Department may reinstate the measurement requirements at any time.

10. 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.
11. 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.
12. By law, the land use associated with this water use must comply with statewide land-use goals and any local acknowledged land-use plan.
13. 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 NOV 14 2025


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

cc: Gregory J. Wacker, District 16 Watermaster
Western Region, ODFW
Middle Willamette, DEQ
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
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