

Oregon Water Resources Department

**Final Order
Limited License Request 1065**



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

On May 2, 2007, the Water Resources Department received completed LL request **1065** from the USDA Forest Service, Columbia River Gorge National Scenic Area for the use of 10 gallons per minute from a well, located in the SE ¼, SE ¼, Section 12, Township 1 North, Range 5 East, W.M., for the purpose of recreation and commercial use, for the period of issuance of this limited license through permit issuance.

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. The Department provided public notice of the application, on June 12, 2007, as required by OAR 690-340-0030(2).
3. This limited license request is limited to an area within a single drainage basin as required by OAR 690-340-0030(3).
4. The Department has determined that there is water available for the requested use.
5. The Department has determined that there is no statutory prohibition, such as a withdrawal under ORS Chapter 538, that would cause the Department to deny or further condition the proposed limited license.
6. The Department can allow only 5 years time, per ORS 537.143. Previous limited license 863, and 599 have used almost 5 years time.

- (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, 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 shall be available from the Department.
 - (e) The licensee/appropriator shall submit a record of the 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 received not later than 30 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 (3).
7. The use of water under this limited license is contingent upon the applicant submitting an application for a water right for the same use(s) by **August 15, 2007**. If no such application is filed by that date, this license will no longer be in effect. **No further limited licenses will be granted for this use.**
8. A copy of this limited license shall be kept at the place of use, and available for inspection by the Watermaster or other state authority.

Issued June 27, 2007



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director
Water Resources Department

Enclosures - limited license

cc: Sabrina White-Scarver, Watermaster, District 20
Danette Ehlers, ODFW
Andy Schaedel, DEQ
File



State of Oregon
Water Resources Department
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(503) 986-0900

Application for Limited Water Use License

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

License No. 1065

Applicant(s): USDA Forest Service, Columbia River Gorge
National Scenic Area

Contact Person: Stan Hinatsu

Mailing Address: 902 Wasco Ave., Suite 200, Hood River, OR 97031
email: shinatsu@fs.fed.us

Telephone No: 541-308-1708

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 the State of Oregon for a use of a short-term or fixed duration:

1. SOURCE(S) OF WATER for the proposed use: Well (Mult. 0001542) a tributary of Columbia River

2. TOTAL AMOUNT OF WATER to be diverted: — cubic feet per second, or 10 gallons per minute. If water is to be used from more than one source, give the quantity from each: N/A

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

- Road construction or maintenance;
- General construction;
- Forestland and rangeland management; or
- Other: Recreation/Commercial

4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the intended 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:

Well is owned and operated by the Forest Service and located at Benson State Park. The system consists of a single well; one reservoir and distribution systems to Multnomah Falls Lodge, Benson State Park and Wahkeena Falls Picnic Area. The 6 inch well is 184 feet deep. The well pump is 15 h.p. capable of 100 gpm at 100 psi. The reservoir is welded steel 45,000 gallon capacity, located approximately 300 feet above Multnomah Falls Lodge. (see attached map and original well log).

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OVER THE COUNTER**

Application for Limited Water Use License/1

MAY 02 2007 WTR

WATER RESOURCES DEPT
SALEM, OREGON

5. PROJECT SCHEDULE: (List day, month, and year)
 Date water use will begin upon approval
 Date project will be completed system already in place
 Date water use will be completed when perm. water right is issued

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 \$150 for the first point of diversion plus \$15 for each additional point of diversion. *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 a 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.

REMARKS: _____

SIGNATURE of Applicant: Daniel T. Harbawder DATE: 4/27/07
 Title: CRENSA - Area Mgr

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:
- (c) A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - (A) 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;
 - (B) The general course of the source for the proposed use, if applicable;
 - (C) Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

7. The Department has determined that the use is subject to its rules under OAR 690-503-060. These rules aid the Department in determining groundwater availability. Consistent with the rules, the Department has added conditions pertaining to water level declines and measurement.
8. The Department has not received comments related to the possible issuance of the limited license.
9. Pursuant to OAR 690-340-0030(4)(5), conditions have been added with regard to notice and water-use measurement.

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 for Limited License **1065** is approved as conditioned below.

1. The period and rate of use for Limited License **1065** shall be from June 28, 2007, through October 31, 2008, for the use of 10 gallons per minute, for the purpose of recreation and commercial use, or until a permit for this same use is issued, whichever occurs first.
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, the watermaster's review serves as the notice described above.
3. Before water use may begin under this license, the licensee shall install a totalizing flow meter at each point of diversion/appropriation. The totalizing flow meter must be installed and maintained in good working order consistent with the standards identified in OAR 690-507-645(1) through (3). In addition 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.
4. 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.
5. 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.
6. (1) Use of water from the well, as allowed herein, shall be regulated 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 fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The licensee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The licensee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.