



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Limited Water Use License

License No.: LL1683

Applicant(s): Rick & Jody Hale

Agent/Contact: Dale VanSchoiack, 2141 S Lyle St., Kennewick, WA 99337, dalevconsulting@gmail.com, 1 509 627 8717

Mailing Address: 73426 Hwy 207

Echo	Oregon	97826
City	State	Zip

Telephone No.:	1 541 571 3669
Home	Cell
	Fax

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:** Non Public springs and Brown Creek a tributary of Buckhorn Creek, and Rock Creek
- AMOUNT OF WATER** to be diverted;
Maximum instantaneous rate (cubic feet or gallons per minute): See attached Exhibit A.
Total volume (gallons or acre-feet): See attached Exhibit A. If water is to be used from more than one source, give the quantity from each: See attached Exhibit A.
- INTENDED USE(S) OF WATER:** (check all that apply)
☐ Road construction or maintenance
☒ General construction
☐ Forestland and rangeland management; or
☒ Other: Stock water, wildlife, and fire protection
- 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 attached Exhibit A.

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

Date water use will begin: January 1, 2017

Date water use will be completed: January 1, 2022

Months of the year water would be diverted and used: Spring water year around. Brown Creek when available.

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

The ponds are permanent structures. No normal direct discharge is anticipated.

SIGNATURE of Applicant or Agent:

Date:

12/07/16

For WRD Use Only

Exhibit A
for Rick & Jody Hale
Limited Water Use License Application

2. AMOUNT OF WATER to be diverted:

	Maximum Instantaneous Rate cfs*	Total Volume ac ft	Volume from Springs (Estimated) ac ft		Volume from Brown Creek (Estimated) ac ft	
Reservoir 1	0.41	12.24	80%	9.79	20%	2.45
Reservoir 2	0.24	7.11	100%	7.11	0%	0.00
Reservoir 3	0.07	1.95	80%	1.56	20%	0.39
Reservoir 3a	0.02	0.66	100%	0.66	0%	0.00
Reservoir 4	0.17	5.00	100%	5.00	0%	0.00
Reservoir 5	0.03	0.91	100%	0.91	0%	0.00
Reservoir 6	0.05	1.60	50%	0.80	50%	0.80
Reservoir 7	0.002	0.06	100%	0.06	0%	0.00
Total	0.99	Total 29.53				

* Based on flow required to provide storage in 15 days.

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

- ☐ Road Construction or maintenance
- ☒ General construction
- ☐ Forestland and rangeland management, or
- ☒ Other: Stock water, wildlife, and fire protection

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4. DESCRIPTION OF PROPOSED PROJECT: Include a description of the place of use as shown on the accompanying site map, the method of water diversion and type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

This application involves additional storage of water in in three reservoirs covered by Certificate 70284 and four reservoirs covered by Certificate 70285. It also includes storage of water in one existing reservoir, Reservoir 3a, which is not authorized in an existing certificate. The source of the water is Brown Creek and springs. Only two of the reservoirs, Reservoir 3 and Reservoir 6, have provisions to divert flows directly from Brown Creek. The diversions for Reservoir 3 and Reservoir 6 consist of short segments of 6"± corrugated metal pipe which have been installed so the inlet ends are at the edge of Brown Creek. The diversion pipes are buried and extend down slope to a point where the outlet ends daylight. From the outlet ends of the diversion pipes the water flows overland to the respective reservoirs. There is a buried 4" PVC pipe (1610'±) that extends downslope from Reservoir 6 to Reservoir 1. This pipe is used to augment the spring water that flows directly into Reservoir 1 with spring water that flows into Reservoir 6 and water from Brown Creek if necessary.

The Applicant would also note that the spring water at issue in this Limited License Application may very well fall within the scope of ORS 537.800, and if so, no Limited License or water use permit would be required to use and store the spring water. The Applicant intends to explore this issue with the Department in the future, after the Limited License is issued. As such, by submitting this Limited License Application, the Applicant does not concede that a Limited License or permit is required in the first instance, and the Applicant hereby reserves the right to take this position in the future. The Applicant looks forward to discussing this issue further with the Department.

LL-4683

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Rhonda Morrow Title: Planning Director

Signature: [Signature] Phone: 541 743-0126 Date: 12/8/16

Government Entity: Wheeler County

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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LL-1683

Dale VanSchoiack

From: Dale VanSchoiack <dalevconsulting@gmail.com>
Sent: Tuesday, December 20, 2016 9:07 AM
To: 'Rick Hale'
Cc: Bill Porfily; 'Filippi, David'
Subject: FW: Rick Hale Reservoir Limited License Application

Hi Rick,
Below is Jerry Sauter's contact information.

Please mail the page of the Limited License with your original signatures and the page of the Land Use Form with the county planner's original signature to:

Jerry Sauter
Water Rights Program Analyst
Water Resources Department
725 Summer St. NE, Suite A
Salem, Oregon 97301

Please include a check for \$310.00 payable to Water Resources Department to cover the application fee.

I will mail all the other documents to Jerry today. I will also mail you a copy of what I mail Jerry.

Thanks,
Dale

DGV Consulting, PLLC
Dale G. VanSchoiack, PE, CWRE
2141 S. Lyle St. Kennewick, WA 99337
Phone: 509-627-8717 Fax: 509-585-2832
dalevconsulting@gmail.com

From: SAUTER Jerry K * WRD [mailto:Jerry.K.Sauter@oregon.gov]
Sent: Tuesday, December 20, 2016 8:27 AM
To: Dale VanSchoiack <dalevconsulting@gmail.com>
Subject: RE: Rick Hale Reservoir Limited License Application

That would be fine, I cannot accept and work on the application without the fees though.
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@wrdd.state.or.us

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From: Dale VanSchoiack [mailto:dalevconsulting@gmail.com]
Sent: Tuesday, December 20, 2016 8:19 AM

To: jerry.k.sauter@state.or.us

Subject: Rick Hale Reservoir Limited License Application

Good morning Jerry,

I am assisting Rick and Jody Hale with a Limited License Application for storing water in eight existing reservoirs located in Wheeler County. I believe you have had discussions regarding this project with Mike Ladd and Ken Thiemann.

I have completed the limited license application and I am ready to submit it to OWR. At this time, I only have copies of the applicant signatures on the license application and the county planner's signature on the land use form. Is it okay if I submit the limited license application documents to you with copies of the signatures and have the applicant mail the documents with the original signatures to you? At the same time I would have the applicant mail you a check for the application fee.

Thanks for your direction on this matter.

Dale

DGV Consulting, PLLC
Dale G. VanSchoiack, PE, CWRE
2141 S. Lyle St. Kennewick, WA 99337
Phone: 509-627-8717 Fax: 509-585-2832
dalevconsulting@gmail.com

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Rick & Judy Hale Limited License Number: LL-1682

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:

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

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

☐ Yes ☒ No

If yes, what are your observations for the stream?

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? SEE ATTACHED

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5. Any other recommendations you would like to make?

SEE ATTACHED

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Signature Kenneth C. Shemami WM District #: 21 Date: 12/19/2016

Rick & Jody Hale Limited License Water application Watermaster availability review and Conditions on 12/19/2016 completed by Ken Thiemann.

Season:

Contingent on water being available, with no injury to other water users downstream, I recommend the water user can fill the reservoirs from Dec. 1 to Mar. 31. This water use authorization has no priority date and is subject to regulation by the Watermaster if downstream senior water rights are deficient at any time.

To install and maintain:

I would like staff gages installed in Res. 1 and Res. 3 as described by Certificate 70284 to be approved and coordinated by the Watermaster to be installed in early spring of 2017 to help determine the production of the springs after April 1 (the beginning of the Irrigation Season) and access to the property with one days' notice, to verify compliance.

I would like headgates with lockable control valves on diversions from Brown Creek to reservoirs 3, and 6 as described by Certificate 70284 to be approved and coordinated by the Watermaster to be installed in early spring of 2017.

Additionally reservoirs, 1, 2 and 4 shall have lower conduits with bank access valve controls or other means, as approved by the Watermaster, to pass inflow.

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LL-1683

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

Applicant(s): **Rick and Jody Hale**

Mailing Address: **73246 Hwy 207**

City: **Echo**

State: **OR**

Zip Code: **97826**

Daytime Phone: **1 541 571 3669**

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:
6S	R24E	<u>09</u>	<u>NESE</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>09</u>	<u>NWSE</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>09</u>	<u>SWSE</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>09</u>	<u>SESE</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>15</u>	<u>NNW</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>15</u>	<u>SWNW</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>16</u>	<u>NENE</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU
6S	R24E	<u>16</u>	<u>NENW</u>	400	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used	EFU

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

Wheeler

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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) Springs and Brown Creek

Estimated quantity of water needed: 0.99 ☒ cubic feet per second ☐ gallons per minute 29.53 ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other livestock, wildlife, fire protection

Briefly describe:

We found that existing ponds hold more water than authorized with existing reservoir permits. We are requesting a Limited License to continue operating our ponds as has been done in the past while we apply for additional storage permits. Also, we anticipate conducting some construction activities on the reservoir embankments for maintenance or compliance requirements.

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. →

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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.

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Name: Rhonda Morrow Title: Planning Director
 Signature: [Signature] SALEM, OR Phone: 541 763 2124 Date: 12/2/16
 Government Entity: Wheeler County

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Receipt for Request for Land Use Information

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