

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)

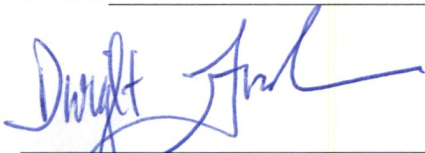
Use: INDUSTRIAL USE

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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
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