



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.: LL-1908

Applicant Information

NAME Rick and Jody Hale		PHONE (HM)	
PHONE (WK)	CELL 1 541 571 3669	FAX	
ADDRESS 73426 Hwy 207			
CITY Echo	STATE OR	ZIP 97826	E-MAIL *

Agent Information

NAME DGV Consulting, PLLC, Dale VanSchoiack		PHONE		FAX
ADDRESS 2141 South Lyle		CELL 509 627 8717		
CITY Kennewick	STATE WA	ZIP 99337	E-MAIL * dalevconsulting@gmail.com	

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 Cr a tributary of Buckhorn Cr and Rock Cr
- AMOUNT OF WATER** to be diverted;
Maximum and 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:

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

Date water use will begin: January 1, 2022

Date water use will be completed: January 1, 2027

Months of the year water would be diverted and used: Spring water year around, Brown Cr 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 direct discharge is anticipated. Seepage losses are anticipated.

Rick Hale
Applicant Signature

Rick Hale
Print Name and title if applicable

7/12/21
Date



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John L Hale Jody L. Hale
Applicant Signature Print Name and title if applicable

11-23-21
Date



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R Hale
Applicant Signature

Rick Hale
Print Name and title if applicable

7/13/21
Date

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 **\$280** for the first point of diversion plus **\$30** for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

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 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.

**A summary of review criteria and procedures that are generally applicable to these applications is available at:
<http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

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

REMARKS:

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For WRD Use Only

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Exhibit A
for Rick & Jody Hale
Limited Water Use License Application 7-13-21

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.

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 diversion for Reservoir 3 consists of short segment of 6"± corrugated metal pipe which has been installed so the inlet end is at the edge of Brown Creek. The diversion for Reservoir 6 consists for a short segment of corrugated pipe that diverts water from Brown Creek to a galvanized steel fish screen and bypass structure. From the outlet end of the Reservoir 3 diversion pipe and the outlet of the Reservoir 6 fish screen structure water flows overland to the 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-1908

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: Rick & Jody Hale Limited License Number: 22-1908

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?

5. Any other recommendations you would like to make?

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Signature Kenneth C. Thiemann Jr. WM District #: 21 Date: 11/17/21

Rick & Jody Hale Limited License Water application Watermaster availability review and Conditions on 11/17/2021 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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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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(503) 986-0900
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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



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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 the Oregon Water Resources Department continues to process our additional pending storage permit application.

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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For Local Government Use Only

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: Matt Davis Title: Planning Director

Signature:  Phone: 541-763-2126 Date: 06/22/2021

Government Entity: Wheeler County Planning Department

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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Rick & Jody Hale Limited License Water application Watermaster availability review and Conditions on 11/17/2021 completed by Ken Thiemann.

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