

# Oregon Water Resources Department

## **Final Order Limited License Application LL-1748**



### ***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 3, 2018, the Water Resources Department received completed application **LL-1748** from Dennis D. Loveridge for the use of 0.55 cfs from two wells, located in the NW ¼, NE ¼, Section 4, Township 16 South, Range 5 West, W.M., for irrigation to establish hazelnuts, for the period May 1, 2019, through October 31, 2022.

On May 14, 2018, Dennis Loveridge requested the rate requested be lowered to 140 gallons per minute (0.31 cfs) to avoid the Potential for Substantial Interference (PSI) with Bear Creek.

### ***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 May 8, 2018, 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. As part of its review to determine ground water availability, the Department's Ground Water/Hydrology Section has stipulated conditions pertaining to measurement and reporting, decline in static water level, and a recommendation to lower the request to 0.321 cfs to avoid PSI with Bear Creek. A copy of this review is in the file.

5. The Department has determined that there is water available for the requested use.
6. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.200.
7. In this location, hazelnut establishment does not necessarily require continuing irrigation after establishment. This limited license is issued to establish a hazelnut orchard. The director may issue a limited license for irrigation if the sole purpose of the use is to provide water necessary to establish a crop for which no further irrigation will be required after the crop is established. ORS 537.143 (6)(a).
8. The Department has not received other 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.
10. Lane County has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility 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-1748** is approved as conditioned below.

1. The period and rate of use for **LL-1748** shall be from May 1, 2019, through October 31, 2022, for the use of 0.32 cfs in total from either or both wells, for the purpose of establishing hazelnuts.
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.
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. 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. To monitor the effect of water use from the well(s) authorized under this license, the Department requires the water user to obtain, from a qualified individual (see below), and

report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Static Water Level Measurements

The Department requires the permittee to report an initial water-level measurement in the month specified above once well construction is complete, and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Four Consecutive Annual Static Water Level Measurements

Following the first year of water use, the user shall report four consecutive annual static water-level measurements. The first of these four annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water-level measurements beyond the four year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement;
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface;
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

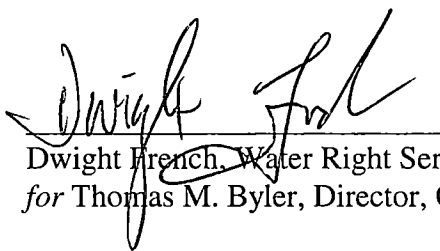
The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the licensee's and/or the Department's data and analysis, that no action is necessary because the

aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this license. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

5. Water may be used under this limited license only to establish a crop for which no future irrigation will be required after the crop is established (ORS 537.143(6)(a)).
6. 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.
7. 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.
8. 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.
9. 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 May 25, 2018



Dwight French, Water Right Services Division Administrator  
for Thomas M. Byler, Director, Oregon Water Resources Department

cc: Lanaya F. Blakely, District 2 Watermaster  
Elise Kelley, ODFW  
Priscilla Woolverton, DEQ  
Hydrographics  
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.

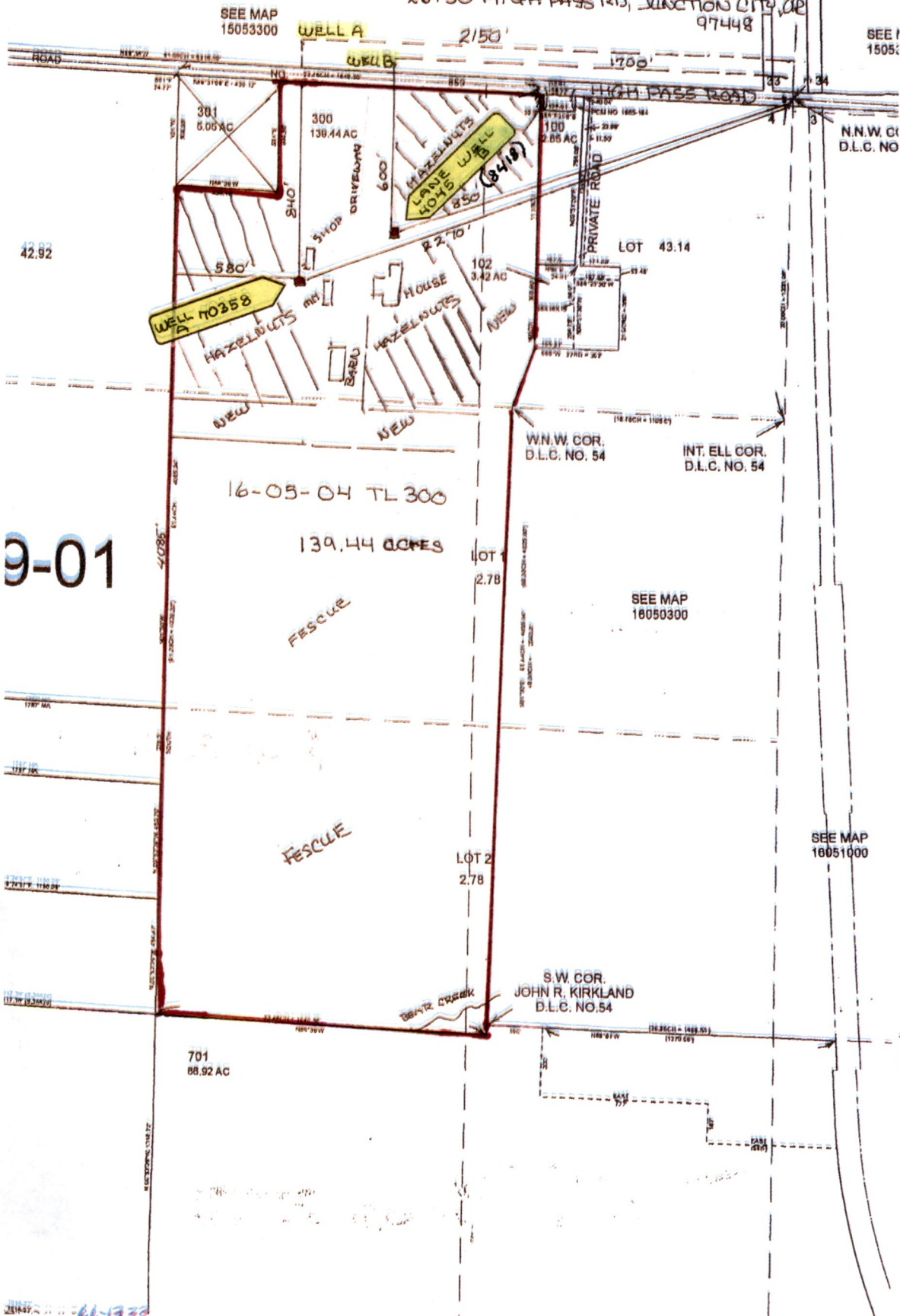
Remember, this limited license does not provide a secure source of water. Water use can be revoked at any time. Such revocation may be prompted by field regulatory activities or many other reasons.

Water Rights Section  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem OR 97301-1271  
Phone: (503) 986-0817      Fax: (503) 986-0901

SECTION 04 T16S R05W W.M.  
Lane County  
1" = 400'

16-05-04 TL 300

26730 HIGH PASS RD, JUNCTION CITY, OR  
97448



RECEIVED

MAY 03 2018

OWRD

RECEIVED BY OWRD

NOV 22 2017

SALEM, OR

LL-1740

SECTION 04 T16S R05W W.M.  
Lane County  
1" = 400'

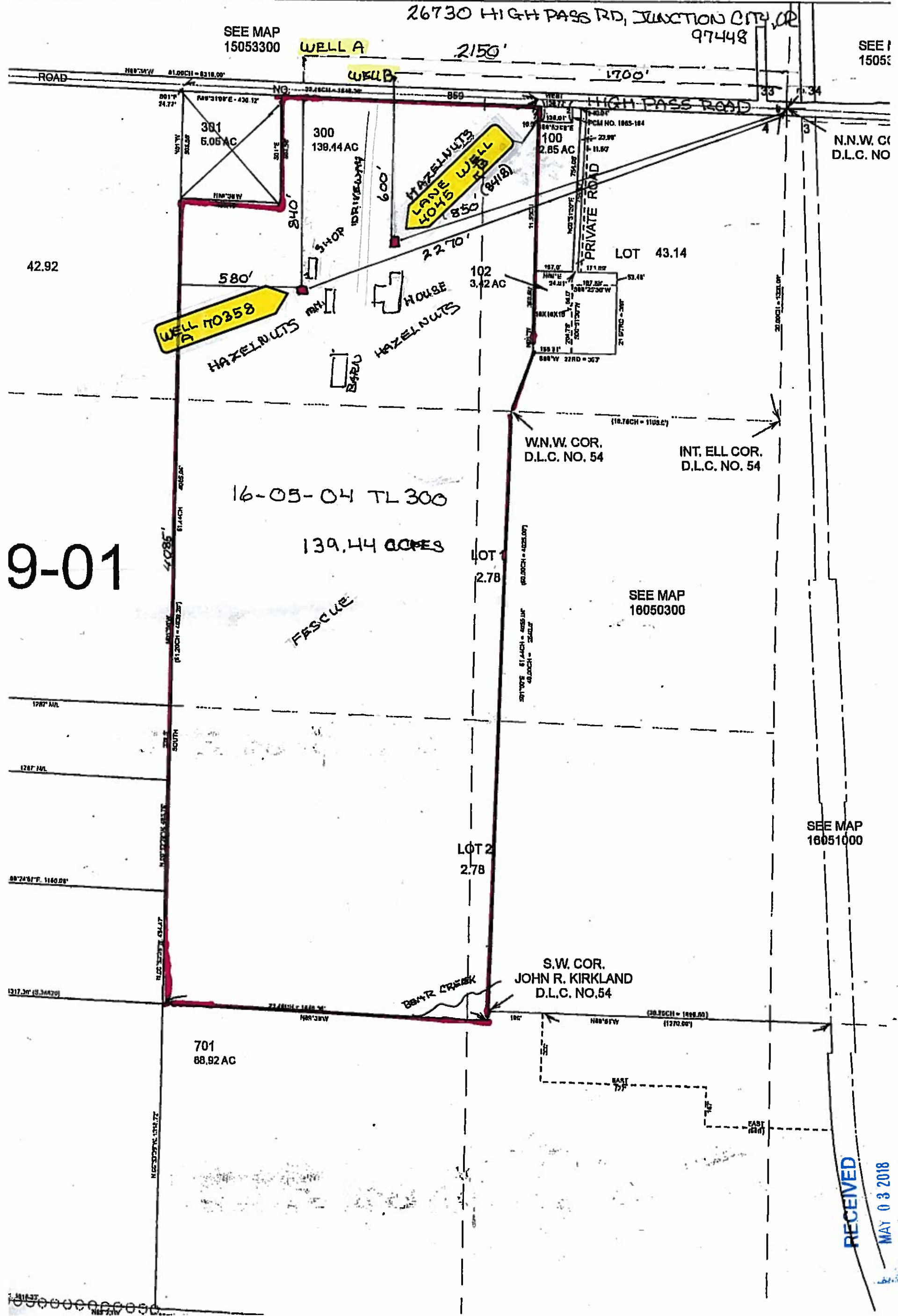
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16-05-04 TL 300

26730 HIGH PASS RD, JUNCTION CITY, MO  
97448

SEE MAP  
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SEE I  
15053



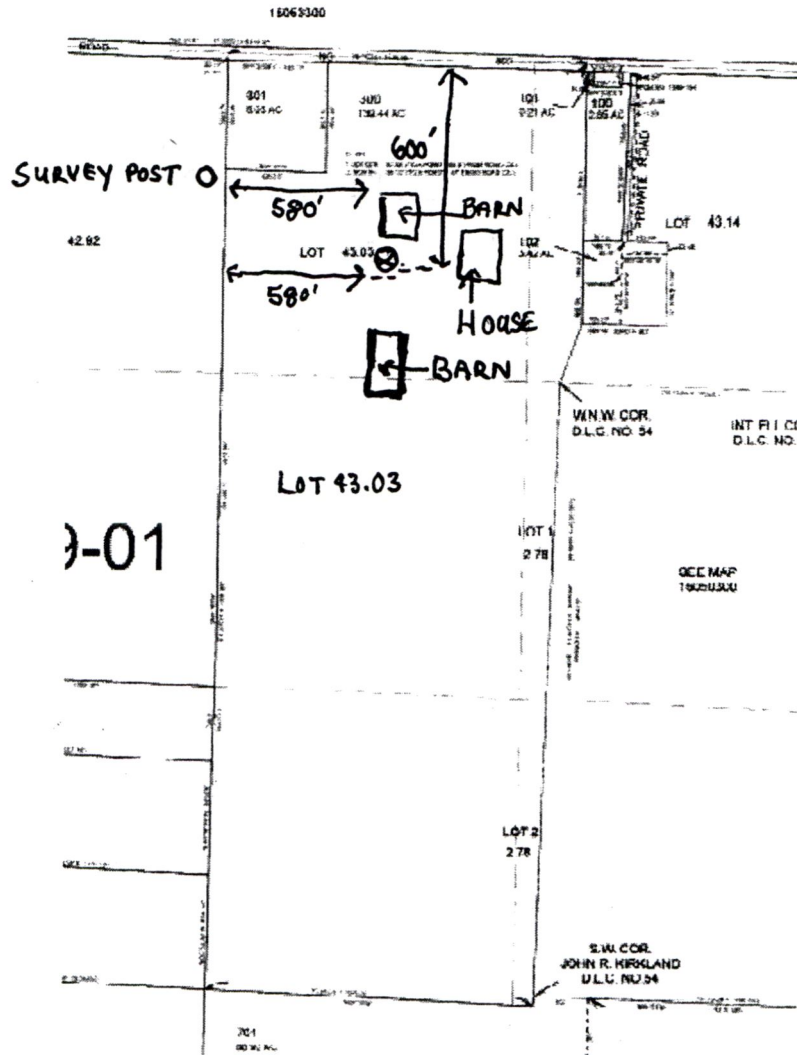
647-77

RECEIVED  
MAY 03 2018  
OWRD



**LANE 70358**

# EXEMPT USE WELL LOCATION MAP



**RECEIVED**

**MAR 05 2010**

**WATER RESOURCES DEPT  
SALEM, OREGON**

**RECEIVED**

**MAY 03 2018**

**OWRD**



**Lane County**

**Assessor Map Reference Number: 16S 5W 4 NWNE: Tax Lot 300**

**Street Address of Well, if Available: 26730 High Pass Road, Junction City, OR.**

**Well Log # LANE 70358. Well Label (ID Tag) # L 100535. (Please Locate Well and Indicate distance From Property or Survey Corner, See Attached Sample Well Location Map.) You may also locate your well using our exempt use well mapping tool on our website at [www.wrd.state.or.us/exempt\\_use\\_788\\_info.shtml](http://www.wrd.state.or.us/exempt_use_788_info.shtml) or by contacting the Exempt Use Well Program Coordinator at 503 986-0861.**

**PAPER MAP NOT TO SCALE**

**LAND OWNER SUBMITTED MAP**

66-1748