

Oregon Water Resources Department

Water Rights Application
Number R-86357

Final Order

Notice of a Right to a Hearing

Pursuant to ORS 537.409(8) you have the right to a hearing before the Oregon Water Resources Department to contest this order. The hearing, if requested, will be conducted according to ORS chapter 183 and the applicable administrative rules. If you want a hearing you must submit a request in writing to the Department within 30 days of the date of this proposed order. To be timely a request must be received by the Department within the 30 day request period. If a request for a hearing is not received by the Department within the time allowed, you will have waived the right to a contested case hearing.

A request for a hearing shall include:

Your name, address, and telephone number;

A statement that you are requesting a hearing;

A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency.

If you request a hearing, the Department will notify you of the time and place of the hearing. The Department will give you information on the procedures and other rights of parties relating to the conduct of the hearing before the hearing. You may be represented by counsel at the hearing.

If you do not request a hearing within 30 days of the date of this order or if you withdraw a request for a hearing, or request a hearing and then notify the Department that you will not appear or fail to appear at a scheduled hearing, the Director may issue a final order by default denying your application. If the Director issues a final order by default, the Department designates its file on this matter as the record.

Application History

On June 30, 2005, AL MONACO submitted an application to the Department on behalf of O MOUNTAINAIR, LTD for a water use permit. Pursuant to ORS 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has not** received adverse comments related to the possible approval of Application R-86357.

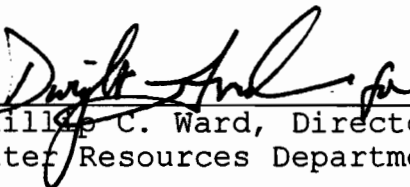
However, no water is available for the proposed use.

Therefore, the proposed use, as described in Application R-86357, would injure existing water rights and poses potential detrimental impacts to existing fishery resources. ORS 537.409(6).

Order

Therefore Application R-86537 is therefore denied.

DATED October 6, 2005


Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Lefever. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.