

**Oregon Water Resources Department
Water Right Services Division**

Water Right Application S-89267 in the)
name of JASON TODD)
)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

FINDINGS OF FACT

1. On September 6, 2022, Jason Todd submitted an application for a water-use permit pursuant to ORS 537.147:

Source: TELLIN RESERVOIR, CONSTRUCTED UNDER PERMIT R-5494, TRIBUTARY TO UNNAMED DRAINAGE

Use: IRRIGATION OF 31.7 ACRES

Volume: 0.50 ACRE-FOOT (AF)

Period of Use: MARCH 1 THROUGH OCTOBER 31

County: POLK COUNTY

Place of Use: SECTION 34, TOWNSHIP 6 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. On September 13, 2022, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080, you may 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.

6. On April 26, 2023, the Department received an affidavit for voluntary cancellation of the entirety of Certificate 40321. Certificate 40321 allows for the use of the 0.5 acre-foot of water stored from the reservoir constructed under Permit R-5494. Cancellation of Certificate 40321 will result in this 0.5 acre-foot of water being eligible for allocation under application S-89267. The Department will issue a separate order canceling Certificate 40321 concurrently with issuance of this final order and permit for application S-89267.

CONCLUSIONS OF LAW

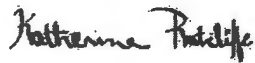
1. Application S-89267 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89267 is approved and Permit S-55419 is issued as limited by the conditions contained therein.

JUN 02 2023

Dated at Salem, Oregon on _____



Katherine Ratcliffe
Water Rights Section Manager, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Dianna Brainard at dianna.i.brainard@water.oregon.gov or 971-375-1602.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.