

Oregon Water Resources Department
Water Right Services Division

Water Right Application S-89304 in the)	FINAL ORDER
name of LEWIS DLC FARM, LLC)	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 December 15, 2022, Lewis DLC Farm, LLC submitted an application for a water-use permit pursuant to ORS 537.147:

Source: LEWIS POND, CONSTRUCTED UNDER PERMIT R-1515, TRIBUTARY TO AN UNNAMED STREAM

Use: IRRIGATION OF 140.7 ACRES

Volume: 8.0 ACRE-FEET (AF)

Period of Use: MARCH 1 THROUGH OCTOBER 31

County: POLK COUNTY

Place of Use: SECTION 18, TOWNSHIP 9 SOUTH, RANGE 5 WEST, W.M. AND SECTION 13, TOWNSHIP 9 SOUTH, RANGE 6 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 December 27, 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. This application proposes to use water for irrigation from March 1 through October 31 of each year. By decree, the irrigation season from the Luckiamute River is April 1 through September 30 each year. Water use outside of the decreed irrigation season requires additional information be provided showing that water use will be beneficial. Justification for irrigation use outside of the irrigation season was not provided with the application; therefore, the season of use has been limited to April 1 through September 30 of each year.
7. On December 15, 2022, the Department received an affidavit for voluntary cancellation of the entirety of Certificate 23954. Certificate 23954 allows for the use of 0.01 cubic foot per second of water stored from the reservoir constructed under Permit R-1515. Cancellation of Certificate 23954 will result in this 0.01 cubic foot per second of water being eligible for allocation under application S-89304. The Department will issue a separate order cancelling Certificate 23954 concurrently with issuance of this final order and permit for application S-89304.

CONCLUSIONS OF LAW

1. Application S-89304 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89304 is approved and Permit S-55429 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on **AUG 11 2023**

Katherine Ratcliffe

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.j.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.