

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

Water Right Application S-89107 in the)	FINAL ORDER
name of DEMERGASSO FAMILY OREGON)	DENYING THE USE OF
FARM TRUST)	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 May 17, 2021, Demergasso Family Oregon Farm Trust submitted an application for a water-use permit pursuant to ORS 537.147.
Source: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO WILLAMETTE RIVER
Use: IRRIGATION OF 181.9 ACRES
Volume: 454.75 ACRE-FEET (AF)
Period of Use: MARCH 1 THROUGH OCTOBER 31
County: LINN COUNTY
Place of Use: SECTIONS 22 AND 27, TOWNSHIP 15 SOUTH, RANGE 4 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 May 25, 2021, 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 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. The application proposes to divert water from Curtis Slough, which the watermaster determined is not sufficiently connected to the Willamette River, or any other tributaries fed by Bureau of Reclamation water, to convey stored water from the Willamette Basin Project Reservoirs as proposed. Therefore, water is not available for the proposed use.
7. The applicant submitted a completed Affidavit for Voluntary Diminution of an Entire Water Right Certificate for Certificate 52658 to resolve a place of use conflict. This will not be further processed by the Department.

CONCLUSIONS OF LAW

1. Application S-89107 is consistent with the requirements of ORS 537.147 and OAR Chapter 690 but is not consistent with the requirements of ORS 537.153.

ORDER

Pursuant to ORS 537.153, Application S-89107 is denied.

DATED MAR 29 2024

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 Adam Frederick at Adam.M.Frederick@water.oregon.gov or 971-707-8400.

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.