

Oregon Water Resources Department

Final Order
Limited License Application LL-1968



Appeal Rights

This is a final order in other than 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

Applicant: ROGUE FAMILY FARMS

Date Submitted: MARCH 14, 2024

Amount: 300 GALLONS PER MINUTE (0.668 CUBIC FOOT PER SECOND (CFS));
TOTAL VOLUME OF 8.2 ACRE-FEET (AF)

Source: XP RESEVOIR CONSTRUCTED UNDER PERMIT R-15198

Use: IRRIGATION ON 14 ACRES FROM STORED WATER

Period of Use: MAY 1, 2024 THROUGH OCTOBER 31, 2024

County: JACKSON COUNTY

Pod Location: 35.00S-1.00W-28 NE SE

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.

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. On March 19, 2024, the Department provided public notice of the application, as required by OAR 690-340-0030(2).
3. The Department has received public comment related to the possible issuance of the limited license from Richard Harrington. The authorization of limited license, as conditioned below will satisfactorily address the issues raised in those comments.
4. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).

5. Permit R-15198 allows for the storage of 8.2 acre-feet of water for multiple purpose.
6. The Department has determined that stored water is available for the requested use.
7. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.
8. The Department may not issue a limited license from stored water for more than one year. (ORS 537.143)(9)(a).
9. Because the use requested is longer than 120 days and because the use is in an area that has sensitive, threatened or endangered fish species, the use is subject to the Department's statewide rules under OAR 690-033-0310. These rules aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened, or endangered fish species. The Oregon Department of Fish and Wildlife stated that as application LL-1968 is for a proposed secondary use of stored water permitted under R-15198 and fish screening/passage was worked out during previous regulatory reviews for the reservoir and use of stored water, the ODFW does not have any comments on the application at this time. The Department's Watermaster provided recommendations on the use being metered and passing water during the irrigation season. The authorization of LL-1968 is conditioned to satisfactorily address the recommendations.
10. Pursuant to OAR 690-340-0030(4) and (5), conditions have been added with regard to notice and water-use measurement.
11. Jackson County has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility statement 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-1968 is approved as conditioned below.

1. The authorized use of water under this limited license is as follows:

Amount: 300 GPM (0.668 CFS); TOTAL VOLUME OF 8.2 AF

Source: XP RESEVOIR CONSTRUCTED UNDER PERMIT R-15198

Use: IRRIGATION ON 14 ACRES FROM STORED WATER ONLY

Duration: MAY 1, 2024 THROUGH OCTOBER 31, 2024

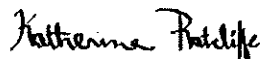
POD Location: 35.00S-1.00W-28 NE SE

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. In the case of this application, this order serves as the notice described above.

3. Before water use may begin under this limited license, the licensee shall install a totalizing flow meter at each point of diversion. The totalizing flow meter must be installed and maintained in good working order.
4. Irrigation allowed under this limited license shall be by drip tape irrigation or by an equally efficient method.
5. 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 upon request.
6. The licensee shall pass all live flow during the irrigation season authorized by this limited license.
7. 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.
8. 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.
9. 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.
10. 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 APR 22 2024



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

cc: Shavon L. Haynes, District 13 Watermaster
Western Region, ODFW
Rogue, DEQ
Rick Parsons, Parsons Water Consulting
Eagle Point Irrigation District, Attn: David Ford - PO Box 157, Eagle Point, OR 97524
Surface Water Section
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
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