

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

Water Right Application G-19447 in the name of)
BROKEN TOP FAMILY FARMS, LLC and MATT) FINAL ORDER
DERSTINE)

Summary: Order approving Application G-19447 and issuing Permit G-18916.

Authority

Oregon Revised Statutes (ORS) 536.700 – 536.780 and Oregon Administrative Rules (OAR) 690-019 establish the process by which the Department can allow temporary emergency-use permits. These statutes and rules can be viewed at: www.oregon.gov/OWRD/programs/policylawandrules

The Department's main page is: www.oregon.gov/OWRD

FINDINGS OF FACT

1. On August 2, 2024, Broken Top Family Farms, LLC and Matt Derstine submitted an application to the Department for an emergency-use permit, requesting 1.75 cubic feet per second, further limited to 118.86 acre-feet of groundwater for supplemental irrigation of 140.12 acres from Well 1 (JEFF 51763) for use during the 2024 irrigation season.
2. The application proposes the appropriation of water during the irrigation season. The Department assumes the application is referencing the standard irrigation season, being April 1, 2024, through October 31, 2024.
3. The required examination and recording fees were paid.
4. The Department has not received adverse comments related to the possible issuance of the attached permit.
5. The Department completed a review of the application in accordance with OAR 690-019-0040.
6. The use is proposed in a designated drought area according to the Governor's June 25, 2024, Executive Order 24-08.
7. Drought conditions have created an inability on the part of the applicant to obtain water under existing Water Right Certificates 72279, 93422, and 72281, and Water Right Permit S-54930.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final 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 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.

8. The Department considered the factors described in OAR 690-310-0130 and finds that:
 - a. The proposed use requested in this application is allowed in the Deschutes Basin Program (OAR 690-505-0400);
 - b. Groundwater is available in the amount requested for this emergency, temporary use;
 - c. The proposed use will not injure other water rights; and
 - d. The proposed use complies with other rules of the Commission.
9. The Department has considered the need for water because of the drought emergency and the short-term nature of the proposed emergency use.

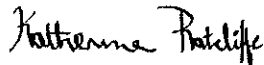
CONCLUSION OF LAW

The application will not cause injury to existing water rights and will not impair or be detrimental to the public interest (OAR 690-019-0040(3)).

ORDER

Application G-19447 is approved and Permit G-18916 is issued as limited by the conditions contained therein.

DATED AUGUST 15, 2024



Katherine Ratcliffe
Water Rights Section Manager, for
Ivan Gall, Director
Oregon Water Resources Department

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- If you have any 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.
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