

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

Water Right Application S-89461 in the)
name of NICOLAAS HUTTEMA)
)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Summary: Order approving Application S-89461 and issuing Permit S-55543.

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. These statutes and rules can be viewed on the following website: www.oregon.gov/OWRD/programs/policylawandrules

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

FINDINGS OF FACT

1. On May 9, 2024, Nicolaas Huttema submitted an application for a water-use permit pursuant to ORS 537.147:

Source: LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-8141 AND R-8142, TRIBUTARY TO ROGUE RIVER

Use: IRRIGATION OF 6.39 ACRES

Volume: 16.0 ACRE-FEET (AF), AND NO MORE THAN 0.045 CUBIC FOOT PER SECOND (CFS)

Period of Use: APRIL 1 THROUGH OCTOBER 31

County: JACKSON COUNTY

Place of Use: SECTION 10, TOWNSHIP 36 SOUTH, RANGE 3 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.

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.

4. On May 14, 2024, 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.
6. The application proposes to use 16.0 acre-feet for the irrigation of 6.39 acres. This is higher than the general basin-wide standard duty of 2.5 acre-feet per acre; therefore, the maximum volume has been limited to 15.975 acre-feet in the attached permit.


CONCLUSIONS OF LAW

1. Application S-89461 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89461 is approved, and Permit S-55543 is issued as limited by the conditions contained therein.

DATED MAY 2, 2025



Katherine Ratcliffe

Water Right Services Division Administrator, 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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