

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

Water Right Application G-19532 in the name of)
TED FEHRENBACHER and NANCY) FINAL ORDER
FEHRENBACHER)

Summary: Order approving Application G-19532 and issuing Permit G-19045.

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 May 20, 2026, Ted Fehrenbacher and Nancy Fehrenbacher submitted an application to the Department for an emergency-use permit, requesting 0.88 cubic foot per second of groundwater for supplemental irrigation of 71.6 acres from a well (CROO 54943) for use from April 1, 2026 through November 1, 2026.
2. The required examination and recording fees were paid.
3. The Department has not received adverse comments related to the possible issuance of the attached permit.
4. The Department completed a review of the application in accordance with OAR 690-019-0040.
5. The use is proposed in a designated drought area according to the Governor’s April 21, 2026, Executive Order 26-07.
6. Drought conditions have created an inability on the part of the applicant to obtain water under existing Water Right Certificates 72197 and 76714.
7. 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);

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.

- b. Groundwater is available in the amount requested for this emergency, temporary use; per OAR 690-505-0600(1) the Department has determined that ground water appropriations within the Deschutes Ground Water Study Area have the potential for substantial interference with surface water, and due to insufficient data, the Department has determined that groundwater levels do not meet the definition of Reasonably Stable Groundwater Levels;
 - c. The proposed use will not injure other water rights; and
 - d. The proposed use does not comply with other rules of the Commission; OAR 690-505-0600 states that “ground water appropriations within the Deschutes Ground Water Study Area...will measurably reduce scenic waterway flows as defined in ORS 390.835...”
8. The Department considered the need for water because of the drought emergency and the short-term nature of the proposed emergency use and determined that the use would not impair or be detrimental to the public interest.

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-19532 is approved, and Permit G-19045 is issued as limited by the conditions contained therein.

DATED JUNE 9, 2026



Raymond Eliot Crafton
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 Brandon Self at Brandon.A.Self@water.oregon.gov or 971-990-9890.
 - 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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