

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86298

Final Order

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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

On May 6, 2005, Pegasus Equestrian Estates LLC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 27, 2006. The protest period closed August 11, 2006, and no protest was filed.

On August 4, 2006, the Department received a protest submitted by Jeffrey L. Pugh, on behalf of Dr. James and Mrs. Mary Ellen Daskalos.

On June 12, 2008, the Department notified Jeffrey L. Pugh and Jason Montgomery that the protest, which concerns the interpretation of easement terms, is outside of the authority of the Department.

The proposed use would not impair or be detrimental to the public interest.

Order

Application S-86298 therefore is approved as proposed by the Proposed Final Order, and Permit S-54491 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 9, 2008

E. Timothy Ward

for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Brook Geffen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0808.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.