

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-16648

**Final Order**

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. 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 March 28, 2006, Phillip and Paige Kochan submitted an application for a water use permit. On March 11, 2008, the Department issued a Proposed Final Order concluding that with the mitigation proposed by the applicant, water is available and the proposed use will ensure the preservation of the public welfare, safety and health and proposing to approve the application. The protest period closed April 25, 2008, and no protest was filed.

On February 23, 2007, the applicant submitted a mitigation proposal to provide 7.2 acre-feet of mitigation water within the General Zone of Impact. The applicant proposed to obtain credits or suitable mitigation that meets the requirements of OAR 690-505-0610(2)-(5) within the General Zone of Impact.

On May 10, 2007, the Department received Documentary Evidence that 5.4 mitigation credits had been obtained within the General Zone of

Impact. The mitigation credits originated from mitigation project MP-27, which is a permanent instream transfer.

On August 17, 2007, the Department evaluated the Affidavit for the Cancellation of an Entire Water Right Certificate for Certificate 64030, which was received February 15, 2005. The Department determined that a maximum of 1.8 acre-feet of consumptive use from the cancellation of Certificate 64030 may be used to offset the remaining mitigation obligation.

On April 22, 2008 the Department issued Special Order Vol. 74, pg. 641 in the Matter of Cancellation of an Entire Perfected and Developed Water Right evidenced by Certificate 64030 in the Name of Laveita Welch and L.V. Chamberlain.

On June 19, 2008, the Department assigned the application from Phillip and Paige Kochan to Susan Lee McDougal.

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

#### **Order**

Application G-16648 therefore is approved as proposed by the Proposed Final Order, and Permit G-16364 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED November 17, 2008



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 the most likely the best person to answer your questions. You can reach me at 503-986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the 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 97301-1271; Fax: 503-986-0901.