

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12701

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 October 31, 1991, Rodrick Fraser II submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 12, 2008. The protest period closed March 28, 2008, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe: 1) the location of a sump well in Croft Lake Basin, 2) one of the conditions in the permit, and 3) the deadline for complete construction and application of water.

1) The Proposed Final Order erroneously described the sump well location as: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T30S, R15W, W.M.; 1200 FEET SOUTH & 1600 FEET EAST FROM N1/4 CORNER, SECTION 13. The location of a sump well is correctly described as: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 13, T30S, R15W, W.M.; 1120 FEET SOUTH & 1600 FEET EAST FROM N1/4 CORNER, SECTION 13.

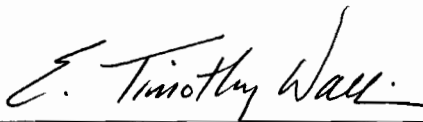
2) The Proposed Final Order erroneously described the following permit condition as: The wells shall produce ground water only from the basalt ground water reservoir between 0 feet and 60 feet below land surface. The permit condition is correctly described as: The wells shall produce ground water only from the alluvial ground water reservoir between 0 feet and 60 feet below land surface.

3) The Proposed Final Order erroneously described the deadline for construction and application of water as: Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 2008 (one year from date of permit issuance). Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application. The deadline for construction and application of water is correctly described as: Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Order

Application G-12701 therefore is approved as proposed by the Proposed Final Order, and Permit G-16350 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 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.