

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16421

Correcting 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 June 1, 2006, the Department issued a Final Order approving the application as Permit G-16063.

Based upon continued review pursuant to OAR 137-004-0080, the Department has determined that Permit G-16063 requires modification to correctly describe the place of use for primary and supplemental irrigation, and the allowable rate of water.

Permit G-16063 described supplemental irrigation on 5.2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, and 24.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 23 South, Range 27 West, W.M. The Department has determined that there are no underlying primary rights for these lands totalling 29.2 acres.

The Department may issue a permit for a water use that is conditioned or modified from the use originally proposed in the application only if the conditioned or modified use does not change the source of water, increase the amount of land appurtenant to the water use, or enlarge the proposed use of water in any way (Oregon Administrative Rule 690-310-240).

Because the Department has determined there are no underlying primary rights for the lands indicated above, supplemental irrigation cannot be allowed on the parcel described above. A change in proposed use from supplemental irrigation to primary irrigation is considered an enlargement of the proposed use and is not allowable.

Therefore, primary irrigation on 125.7 acres and supplemental irrigation on 491.9 acres will be authorized. The standard allowable rate for irrigation use of ground water is 1/80 cubic foot per second (CFS) per acre. Your application requested 8.09 CFS for 646.8 acres. Because the total acreage has been reduced by 29.2 acres, the allowable rate for 617.6 acres is 7.72 CFS.

Order

Permit G-16081 is issued to supersede Permit G-16063. Permit G-16063 is of no further force or effect.

DATED July 27, 2006



Phillip C. Ward, Director *for*
Water Resources Department

This document was prepared by Kerry Kavanagh. 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 503-986-0816.

If you have previously filed a protest and want to know its status, please contact Mike Reynolds 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.