

Oregon Water Resources Department
Water Rights Division

file

Water Rights Application
Number G-16976

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.

Findings of Fact

On December 6, 2007, David and Marion Christensen submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on October 21, 2008, proposing to deny the application because ground water is not available for the proposed use. The Department received a timely protest from the applicant's attorney on December 4, 2008 contending that ground water is available for the proposed use. The applicants also provided pump test data.

The Department has evaluated the protest and the additional information provided by the applicant and continues to find that ground water is not available within the capacity of the ground water resource; and ground water is not available in the amounts requested without injury to prior water rights.

The applicant's protest did not request a contested case hearing. A request for a contested case hearing by the applicant was not received within 30 days after the close of the period for submitting protests.

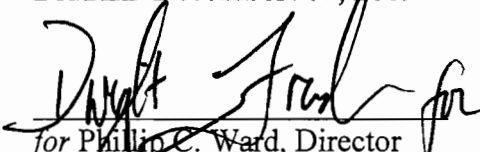
Conclusions of Law

Water is not available in the amount necessary for the proposed use; the proposed use would result in injury to existing water rights; and the proposed use would not ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Order

The application therefore is denied.

DATED December 21, 2009


for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. 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 503-986-0859.

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.