

Oregon Water Resources Department
Water Rights/Adjudications Division

Application Number G-17318

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.

Authority

Oregon Revised Statutes 536.700 - 536.780 and Oregon Administrative Rules 690-019 establish the process by which the Department can allow temporary emergency-use permits.

Findings of Fact

1. On March 22, 2010, Douglas and Deborah Adkins, and Splendor Ridge Inc. submitted an application to the Department for an emergency-use permit.
2. The Department has not received adverse comments related to the possible issuance of the attached permit.
3. The Department completed a review of the application in accordance with OAR 690-019-0040.
4. Drought conditions have created an inability on the part of the applicant to obtain water under existing Klamath Adjudication Claims KL-321 and KL-323.
5. The use is proposed in a designated drought area according to the Governor's March 16, 2010 Executive Order 10-03.
6. The required examination and recording fees were paid.
7. The Department considered the factors described in OAR 690-310-0130 and finds that:
 - (a) Under ORS 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River basin. Therefore, neither the proposed use nor the quantity of water is restricted as a result of this consideration;

(b) Groundwater is available in the amount requested for this emergency, temporary use;

(c) The proposed use will not injure other water rights; and

(d) The proposed use complies with other rules of the Commission.

9. The Department has also considered the need for water because of the drought emergency and the short-term nature of the proposed emergency use and has determined that the use would not impair or be detrimental to the public interest.

Conclusions of Law

The application will not cause injury to existing water rights and will not impair or be detrimental to the public interest (OAR 690-019-0040(3)).

Order

Now therefore, it is ordered, Application G-17318 is hereby approved and Permit G-16680 is issued as limited by the conditions contained therein.

DATED *APRIL 6*, 2010

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

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.