

## BEFORE THE OREGON WATER RESOURCES DEPARTMENT

|                                                  |   |                         |
|--------------------------------------------------|---|-------------------------|
| In the Matter of Water Right Application R-84465 | ) | SUPERCEDING FINAL ORDER |
| In the Name of ORAZ Holdings, LC                 | ) | APPROVING APPLICATION   |
| <i>Applicant and Protestant</i>                  | ) |                         |

### Appeal Rights

**This is a final order other than contested case.** Pursuant to ORS 537.409(9) and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 537.409, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

### Application History

On June 28, 2000, ORAZ Holdings, LC, (Applicant) submitted an application to the Oregon Water Resources Department (Department) for a permit to store water under the alternate review process (ORS 537.409).

The Applicant seeks 0.15 acre-feet of water for wildlife, aesthetics, and fire protection uses for a reservoir in Lane County. The source of water is spring and surface water runoff which remains on the Applicant's property.

Pursuant to ORS 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60-day comment period followed.

The Department received comments from the Oregon Department of Fish and Wildlife. These comments recommended approval with conditions intended to protect fisheries. Accordingly, Applicant's permit shall contain the following specific condition:

The permit holder shall establish and maintain to the satisfaction of the Oregon Department of Fish and Wildlife native vegetation to provide riparian cover for this reservoir. Upon certification of this water right, the OWRD will determine, upon consultation with ODFW, whether the riparian condition is adequately maintained.

On April 27, 2001, the Department issued a Final Order denying Application R-84465 based on a finding that water was not available at any time of the year for the proposed use due to instream

water rights for scenic waterway flows.

On September 17, 2001, the watermaster for District 2 provided Department staff with new information which indicated that the Applicant's pond is not within the scenic waterway area and is thus not subject to water availability limits imposed by those flows. Consequently, the Department issues this Superceding Final Order Approving Application.

### **Findings of Fact and Conclusions of Law**

The proposed reservoir is neither within nor above a Scenic Waterway area.

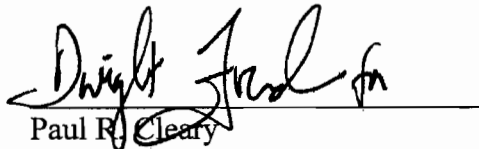
Water is available for this reservoir for appropriation for storage from November through June at a 50% exceedance level.

The proposed use described in Application R-84465 will not result in injury to an existing water right and does not pose a significant detrimental impact to existing fishery resources.

### **Order**

Application R-84465 is hereby approved and a permit shall issue.

DATED July 23, 2002

A handwritten signature in black ink, appearing to read "Dwight J. ...", is written over a horizontal line.

Paul R. Cleary  
Director  
Water Resources Department