

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number G-17451

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 January 24, 2011, Chris Ray submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 3, 2011, approving the proposed use contingent on Well 2 (MAHL 27) being repaired so as to meet the current minimum well construction standards prior to permit issuance. The protest period closed June 17, 2011, and no protest was filed.

On June 7, 2011, Daniel McLean, well driller, on behalf of the applicant, completed an "over seal" of Well 2 (MALH 27) and submitted the well report describing the modification to the Department. The Department assigned a well number of MALH 53866.

On June 17, 2011, the Department's Enforcement Section evaluated the well report for Well 2 (MALH 53866) to determine compliance with current minimum well construction standards and determined that Well 2 (MALH 27/MALH 53866) meets current minimum well construction standards.

The proposed use would not impair or be detrimental to the public interest.

Conclusions of Law

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

Order

Application G-17451 therefore is approved as proposed by the Proposed Final Order, and Permit G-16855 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED July 19, 2011

E. Timothy Wall

for Phillip C. Ward, Director
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 questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". 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.