



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
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Salem, OR 97301-1271  
503-986-0900  
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April ~~22~~<sup>23</sup>, 2014

DENNIS HITT  
12445 HWY 140 E  
KLAMATH FALLS OR 97603

Reference: File G-17842

Dear Applicant:

Enclosed find your Emergency-Use permit, which authorizes temporary use of water. This permit expires at the end of the irrigation season or when the Governor's February 13, 2014 declaration of drought emergency for Klamath County is terminated, whichever comes first.

The evaluation process and standards for an Emergency-Use permit differ significantly from those of a permanent permit. The evaluation process prescribed by rule allows the Department to consider only short-term impacts on the resource as opposed to long-term impacts. If you are interested, you may choose to apply for a permanent permit, but the Department may not be able to issue one.

The Department also cannot guarantee the issuance of any Emergency-Use permit in the future. When a drought is declared, the Department evaluates emergency-use applications on a case-by-case basis, regardless of whether an Emergency-Use permit has been issued in the past.

Please weigh these considerations carefully in making economic decisions regarding any new well(s) or deepenings you have proposed. If the attached short-term permit authorizes a new well or deepening, you may not be able to use the well after the drought, thus you may not be able to recover your investment.

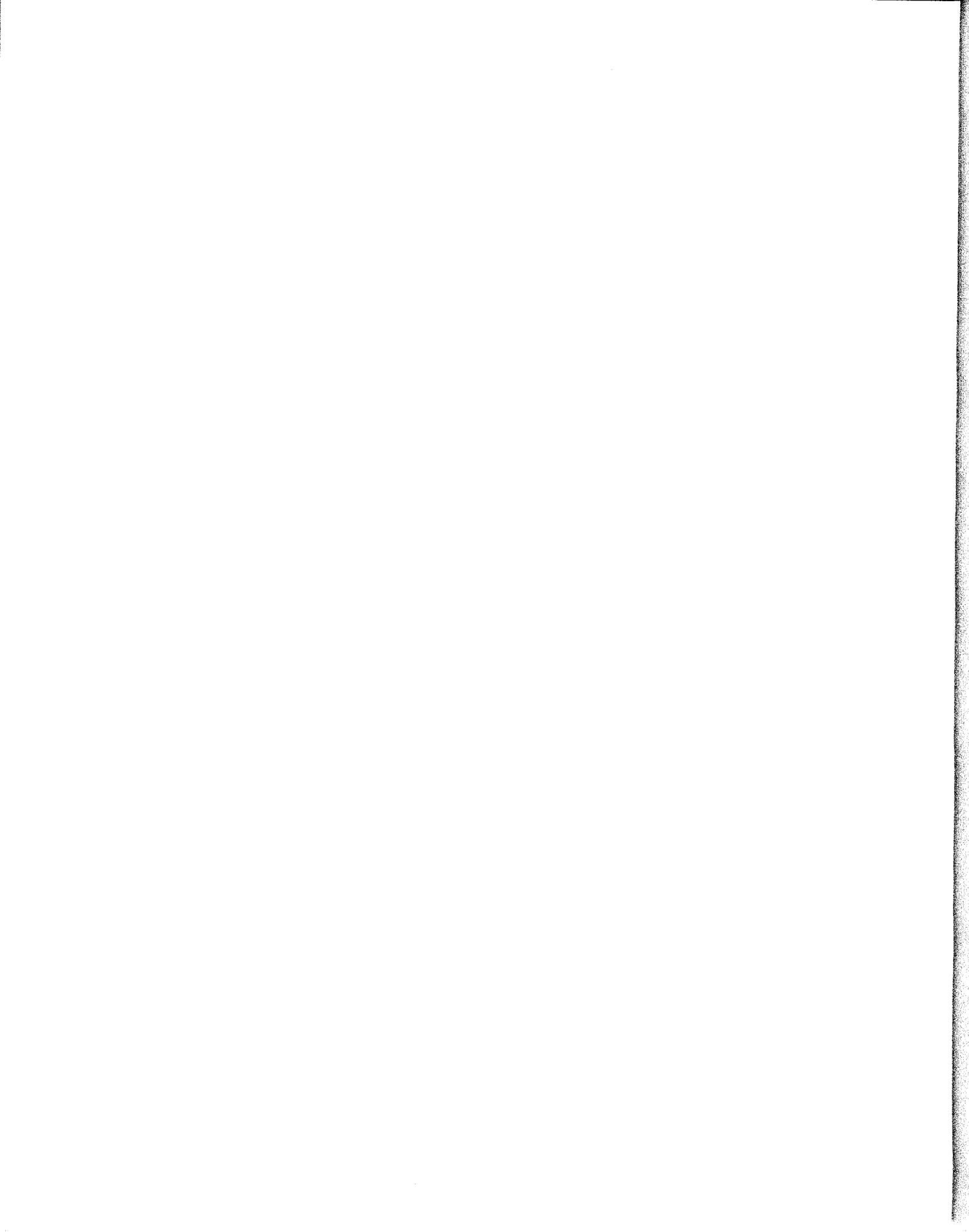
Should you have any questions, please call me at 503-986-0891.

Sincerely,

E. Timothy Wallin  
Water Rights Program Manager

enclosure

cc: Watermaster District #17



Oregon Water Resources Department  
Water Right Services Division

Application Number G-17842

**Final Order**

***Notice of Right to Petition for Reconsideration or Judicial Review***

This is an order in other than a 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 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 April 18, 2014, Dennis Hitt 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 Certificate 2280.
5. The use is proposed in a designated drought area according to the Governor's February 13, 2014 Executive Order 14-01.
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 not available in the amount requested for this emergency, temporary use. However, 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;

(c) The proposed use will injure water rights on nearby springs, however the owner of the springs, who is also the applicant for this application, has indicated that he will not make a call for his senior water during the declaration of the drought in Klamath County. Therefore, the Department has determined that the use would not impair or be detrimental to this portion of the public interest; and

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

8. The application proposed supplemental drought irrigation of 200.0 acres but Certificate 2280 only covers 184.0 of these lands. The attached permit is therefore limited to supplemental drought irrigation of 184.0 acres.

***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-17842 is hereby approved and Permit G-17193 is issued as limited by the conditions contained therein.

DATED April 23, 2014



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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 503-986-0812.*

*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.*

