

Final Order

Application History

On January 29, 1992, the Oregon Department of Fish and Wildlife submitted an application to the Department for an instream water right in Little Eagle Creek, a tributary to Eagle Creek. On May 14, 1996, the Department issued a Proposed Final Order proposing to issue the certificate with conditions.

A protest by Brooks Ditch was filed on July 26, 1996. The protest asserted that the proposed instream water right would diminish the water available for Brooks Ditch's irrigation and stock water uses. The Department evaluated the protest to determine if it provided a preponderance of evidence showing that the proposed use would impair or be detrimental to the public interest according to standards described in ORS 537.170(8) and concluded that it did not.

By operation of the prior appropriation doctrine, the instream water right has a priority date of January 29, 1992. All other water rights on the stream segment included in the instream water right are senior in priority to the instream water right.

The findings of fact and conclusions of law in the Proposed Final Order are incorporated into this Final Order.

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

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 183.484, 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.

Order

IT IS HEREBY ORDERED that Application IS 72181 be approved as provided in the attached certificate.

Issued DEC 14 2015

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

Dwight French
Water Right Services Administrator, for
Thomas M. Byler, Director