

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-17865

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. 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.

Findings of Fact

1. On May 22, 2014, V Box Land & Livestock submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on December 29, 2015.
3. The protest period closed February 12, 2016, and no protest was filed.
4. The Department's continuing evaluation reveals that the Proposed Final Order requires modification. The applicant added Well 3 and paid an additional \$300 for a public interest review. The assessment of groundwater for Well 3 was completed and groundwater will likely be available within the capacity of the resource and if properly conditioned, the proposed use will avoid injury to existing groundwater rights. The Department determined that proposed groundwater use will not have the potential for substantial interference with surface water. The following condition was added:
 - Well 3 shall be constructed to produce groundwater only from the bedrock aquifer encountered between 235 and 360 feet below land surface. If any water-bearing zones are

encountered in alluvium at shallower depths, the well shall be continuously cased and continuously sealed to a depth no less than 20 feet below the bottom of the water-bearing zone encountered.


Conclusions of Law

1. The proposed use would not impair or be detrimental to the public welfare, safety and health pursuant to ORS 537.621(2).

Order

Application G-17865 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-17567 is issued as limited by the conditions therein.

DATED March 30, 2016



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached 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.