

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

Water Rights Application
Number G-18129

Superseding 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.

Findings of Fact

1. On August 11, 2015, Otley Brothers Inc submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 10, 2016.
3. The protest period closed June 24, 2016, and no protest was filed.
4. On July 18, 2016, the Department issued a Final Order approving Application G-18129 and Permit G-17638. Subsequently the Department discovered that the July 18, 2016 Final Order and Permit erroneously contained a condition within the Observation Well Requirement stating, "The well shall be completed prior to water use authorized by this permit."

Accordingly, pursuant to OAR 137-004-0080(5), a superseding Final Order and Permit will be issued.

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

The July 18, 2016 Final Order is superseded by this document and is of no further force or effect.

Application G-18129 therefore is approved with the above modification, and Permit G-17647 is issued as limited by the conditions set forth therein.

DATED August 30, 2016

E. Timothy Wallin

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

This document was prepared by Barbara Park Poage. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0859.

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.