

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

Water Rights Application
Number S-88183

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. 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

1. On February 22, 2016, Durel Shrum submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on June 21, 2016.
3. The protest period closed August 5, 2016, and no protest was filed.
4. On March 9, 2017, the Department issued a Final Order approving Application S-88183 and Permit G-55037. Subsequently, the Department determined the March 9, 2017 Final Order erroneously required a totalizing flow meter and compliant in-line flow restrictor at each point of diversion. The permit has been corrected as follows:

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a compliant in-line flow restrictor at each point of diversion. The permittee shall maintain the device in good working order.

- B. The permittee shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Conclusions of Law

- 1. The proposed use would not impair or be detrimental to the public interest pursuant to ORS 537.153(2).

Order

- 1. The March 9, 2017 Final Order is superseded by this document and is of no further force or effect. Permit S-55037 is cancelled and is of no further force or effect.
- 2. Application S-88183 therefore is approved with the above modifications, and Permit S-55048 is issued as limited by the conditions set forth therein.

DATED April 4, 2017



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

This document was prepared by Elisabeth Graham. If you have any questions about any of the statements contained in this document I can be reached at Elisabeth.A.Graham@oregon.gov or 503-986-0808.

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.