

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

Water Right Application G-18279 in the)
name of KATHLEEN WANDA)
)

SUPERSEDING FINAL ORDER

Summary: Order approving Application G-18279 and issuing Permit G-18135.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410, and Deschutes Basin Program OAR 690-505. These statutes and rules can be viewed on the Oregon Water Resources website: <http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department’s main page is <http://www.oregon.gov/OWRD/pages/index.aspx>

This Final Order is issued pursuant to ORS 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On April 8, 2016, Kathleen Wanda submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 23, 2017.
3. The protest period closed July 7, 2017, and no protest was filed.
4. The findings of fact in the Proposed Final Order are incorporated herein.
5. On September 19, 2017, the Department issued a Final Order approving Application G-18279 and issuing Permit G-17838. Subsequently the Department discovered the September 19, 2017 Final Order erroneously described the use in the permit as supplemental irrigation. The permit should describe the use as primary irrigation of 3.0 acres, as in the attached permit.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

HEARING 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. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b)).

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

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order issued May 23, 2017 are incorporated herein, with the above modification.
2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project. Permit S-55132 is conditioned accordingly.

ORDER

This Final Order and Permit supersede the September 19, 2017 Final Order and Permit S-17838, which are of no further force or effect.

Application G-18279 is approved and Permit G-18135 is issued.

DATED October 30th, 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900
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