Oregon Water Resources Department Water Right Services Division

Water Right Application G-18662 in the)	SUPERSEDING FINAL ORDER
name of CITY OF PRINEVILLE)	
)	

Summary: Order approving Application G-18662 and issuing Permit G-18154.

Authority

The application was 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 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

The findings of fact in the Proposed Final Order issued August 28, 2018 are incorporated herein.

- 1. On April 25, 2018, the City of Prineville submitted an application to the Department for a water use permit.
- 2. The Department issued a Proposed Final Order on August 28, 2018.
- 3. The protest period closed October 12, 2018, and no protest was filed.
- 4. On November 9, 2018, the Department issued a Final Order approving Application G-18662 and a Draft Permit. Subsequently the Department discovered the August 28, 2018 Proposed Final Order and draft permit erroneously stated "Construction of the wells shall begin within five years of the date of permit issuance." The permit should state "Construction of the wells shall begin within twenty years of the date of permit issuance."

Hearing and Appeal Rights

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.

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 (ORS 537.170(7)(b)).

5. 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 August 28, 2018 are incorporated herein.
- 2. The proposed use would ensure the preservation of the public welfare, safety and health as described by ORS 537.525.

NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The permit is conditioned accordingly.

<u>ORDER</u>

Application G-18662, as amended, is approved and Permit G-18154 is issued.

DATED December 26th, 2018

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

- If you have any questions about statements contained in this document, please contact Scott Grew at scott.a.grew@oregon.gov or 503-986-0899.
- 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