

6. The Department has determined that the proposed source has not been withdrawn from further appropriation per ORS 538.200.
7. The Department has not received other comments related to the possible issuance of the limited license.
8. Gilliam County has indicated that the proposed use is compatible with the applicable acknowledged comprehensive land-use plan. A copy of the land use compatibility is in the file.

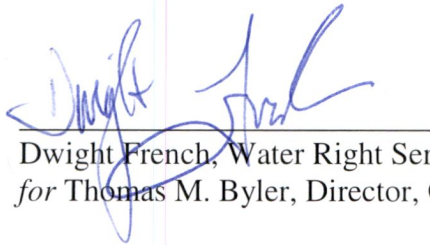
Conclusions of Law

The proposed water use will impair or be detrimental to the public interest pursuant to OAR 690-340-0030(2).

Order

Therefore, pursuant to ORS 537.144 and OAR 690-340-0030, application **LL-1765** is denied.

Issued February 28, 2019



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

cc: Kenneth C. Thiemann, District 21 Watermaster
Brent Smith, ODFW
Smita Mehta, DEQ
Hydrographics
File

If you need further assistance, please contact the Water Rights Section at the address, phone number, or fax number below. When contacting the Department, be sure to reference your limited license number for fastest service.

Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271
Phone: (503) 986-0817 Fax: (503) 986-0901

Oregon Water Resources Department

Final Order to Deny Limited License Application LL-1765



Appeal Rights

This is a final order in other than a 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.

Requested Water Use

On September 24, 2018, the Water Resources Department received completed application **LL-1765** from Weedman Brothers for the use of 30.0 gallons per minute, up to 8.5 acre-feet, from a well (GILL 50766), located in the NE ¼ NE ¼, Section 34, Township 1 North, Range 21 East, W.M., for agricultural use and domestic use, during the period of March 15, 2019 through October 31, 2021.

Authorities

The Department may approve a limited license pursuant to its authority under ORS 537.143, 537.144 and OAR 690-340-0030.

ORS 537.143(2) authorizes the Director to revoke the right to use water under a limited license if it causes injury to any water right or a minimum perennial streamflow.

A limited license will not be issued for more than five consecutive years for the same use, as directed by ORS 537.143(8).

Findings of Fact

1. The forms, fees, and map have been submitted, as required by OAR 690-340-0030(1).
2. The Department provided public notice of the application on October 9, 2018, as required by OAR 690-340-0030(2).
3. This limited license request is limited to an area within a single drainage basin, as required by OAR 690-340-0030(3).
4. As part of its review to determine groundwater availability, the Department's Groundwater Section has determined that groundwater is over appropriated. A copy of this review is in the file.
5. The Department has determined that water is not available for the requested use.