

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

Water Right Application G-18562 in the       )  
name of BRIAN BATESKY and                        )  
TOMOCHAN TRUFFIERES LLC                        )

FINAL ORDER

**Summary:** Order approving Application G-18562, as amended, and issuing Permit G-18187.

***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 the Willamette Basin 690-502. 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 September 27, 2017, Brian Batesky and Tomochan Truffieres LLC submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on December 18, 2018. The protest period closed February 1, 2019, and no protest was filed.
  - a) The Department's continuing evaluation revealed that a groundwater re-review was necessary.
  - b) On January 23, 2019, the Department found the rate requested being 0.11 CFS, will have the Potential for Substantial Interference with surface water.
  - c) On February 21, 2019, the applicant reduced the rate to 0.06 CFS, thereby avoiding the Potential for Substantial Interference.

**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)).

3. The findings of fact in the Proposed Final Order are incorporated herein with the following modification:

- The rate of water has been reduced to 0.06 CFS

### **CONCLUSIONS OF LAW**

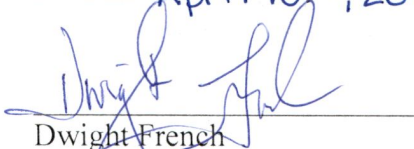
1. The conclusions of law in the Proposed Final Order issued December 18, 2018 are incorporated herein with the above modifications.
2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

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.

### **ORDER**

Application G-18562, as amended, is approved and Permit G-18187 is issued.

DATED April 10<sup>th</sup>, 2019



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 Scott Grew at [scott.a.grew@oregon.gov](mailto: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.
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