

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

Water Right Application S-88572 in the)
name of CHRISTA SHERWOOD-) FINAL ORDER
GARMAN and BRADFORD RACKLEFF)

Summary: Order approving Application S-88572 and issuing Permit S-55215.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Umpqua Basin Program OAR 690-516. These statutes and rules can be viewed on the Oregon Water Resources website:

<https://www.oregon.gov/OWRD/programs/policylawandrules/Pages/default.aspx>

The Department's main page is <http://www.oregon.gov/owrd>

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

1. On April 4, 2018, Christa Sherwood-Garman and Bradford Rackleff submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on March 12, 2019. The protest period closed April 26, 2019, and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein with the following modifications:
 - a. The Department's continuing evaluation reveals that the measurement, recording, and reporting condition in the March 12, 2019 draft permit was incorrect. The requirement for a totalizing flow meter shall be replaced with the requirement for an in-line flow restrictor, as shown below.

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)).

Water Use Measurement, Recording, and Reporting Condition:

- A. Before water use may begin under this permit, the permittee shall install an 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 device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and 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.
- b. The Department's continuing evaluation also reveals that the fish screening, passage, and riparian conditions were erroneously omitted in the Proposed Final Order. The attached permit is conditioned accordingly.

CONCLUSIONS OF LAW


1. The conclusions of law in the Proposed Final Order are incorporated herein.

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.

ORDER

Application S-88572 is approved and Permit S-55215 is issued.

DATED JUN 10 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 Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.
 - 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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