

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

Water Right Application S-88225 in the name)
of MARK M. ROBINSON and HELEN) FINAL ORDER
ROBINSON)

Summary: Order approving Application S-88225 and issuing a draft permit.

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 Rogue Basin Program (OAR 690-515). These statutes and rules can be viewed on following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx>.

The Department's main page is <https://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 May 9, 2016, Mark M. Robinson and Helen Robinson submitted an application to the Department for a water use permit.
2. On July 16, 2019, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed August 30, 2019 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order are incorporated herein.
2. The proposed use, as conditioned, would not impair or be detrimental to the public interest.

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.

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.

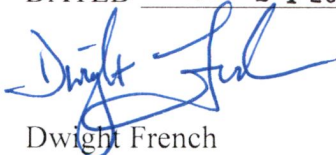
ORDER

Application S-88225 is approved. A permit consistent with the attached draft permit shall be issued upon submission of evidence that you have written authorization or an easement permitting access to lands not owned by you.

Written authorization or an easement is due no later than 60 days from the date of this Final Order. Failure to submit the required item within 60 days from the date of this Final Order may result in the proposed rejection of Application S-88225.

If you need to request additional time to submit the required item, a written request should be received in the Salem Office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED SEP 24 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 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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STATE OF OREGON
 COUNTY OF JOSEPHINE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MARK M. ROBINSON
 HELEN ROBINSON
 656 HARDELL LANE
 VISTA CA 92084

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88225

MAXIMUM VOLUME/RATE, USE, AND SOURCE OF WATER:

0.005 CUBIC FOOT PER SECOND FOR HUMAN CONSUMPTION USE (INDOOR USE ONLY: COOKING, DRINKING, AND SANITATION) FOR ONE HOUSEHOLD, FURTHER LIMITED TO 500 GALLONS PER DAY, FROM THE ROGUE RIVER, TRIBUTARY OF PACIFIC OCEAN

4.5 ACRE-FEET FOR IRRIGATION OF 1.0 ACRE FROM LOST CREEK RESERVOIR, CONSTRUCTED UNDER PERMITS R-8141 AND R-8142, TRIBUTARY TO ROGUE RIVER

PERIOD OF USE: HUMAN CONSUMPTION USE – JANUARY 1 THROUGH DECEMBER 31
 IRRIGATION – APRIL 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 9, 2016

POINT OF DIVERSION AND RE-DIVERSION:

POD Name	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	36 S	7 W	WM	2	NW SE	925 FEET SOUTH AND 1510 FEET WEST FROM E1/4 CORNER, SECTION 2
POD 2	36 S	7 W	WM	2	NW SE	945 FEET SOUTH AND 1490 FEET WEST FROM E1/4 CORNER, SECTION 2

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
36 S	7 W	WM	2	SE NE	1.0

HUMAN CONSUMPTION USE				
Twp	Rng	Mer	Sec	Q-Q
36 S	7 W	WM	2	SE NE

1. Water Use Measurement, Recording, and Reporting Condition:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter 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 permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including 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.
2. The use of water under this right is subject to the terms and conditions of contract No. 169E101896, or a satisfactory replacement, between the U.S. Bureau of Reclamation and the permittee, a copy of which is on file in the records of the Water Resources Department.
 3. The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
 4. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
 5. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

STANDARD CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster,

and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

3. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
4. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. Construction of the water system shall begin within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
7. Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
8. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____

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