

**OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION**

Water Right Application S-87764 in the)
name of IRL M. DAVIS)
)

FINAL ORDER
APPROVING THE USE OF
STORED WATER

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively.

FINDINGS OF FACT

1. On November 3, 2011, Irl M. Davis submitted an application for a water-use permit pursuant to ORS 537.147:

Volume	10.0 ACRE-FEET (AF), BEING 0.5 AF FROM RESERVOIR 1, 9.0 AF FROM RESERVOIR 2, AND 0.5 AF FROM RESERVOIR 3
Use	DOMESTIC USE FOR ONE HOUSEHOLD AND IRRIGATION OF 84.86 ACRES
Source	RESERVOIR 1, RESERVOIR 2, AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-14999, TRIBUTARIES TO BUTLER CANYON
County	WASCO COUNTY
Place of Use	SECTIONS 33 & 35, TOWNSHIP 3 SOUTH, RANGE 13 EAST, W.M. AND SECTION 2, TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

2. The required examination fees were paid and minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. The Department provided public notice of the application in the Department's weekly public notice on January 22, 2013. A 30-day comment period followed.
5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 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.

6. The Department has determined that a portion of the place of use has underlying irrigation rights as evidenced by Permit G-16379. There are approximately 7.5 acres in the NESE, Section 35, and 12.5 acres in the SESE, Section 35. The use on those acres will be identified as supplemental irrigation in this permit, with the option to prove up as primary irrigation at time of proof.

CONCLUSIONS OF LAW

1. Application S-87764 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-87764 is approved and Permit S-54793 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on SEP 24 2019



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

If you have 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.