

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

Water Right Application G-17898 in the name)
of WK AND K LAND LP)
)

FINAL ORDER

Summary: Order approving Application G-17898, as amended, and issuing Permit G-18282.

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 Program (690-502). These statutes and rules can be viewed on the 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 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On July 31, 2014, WK and K Land LP submitted an application to the Department for a water use permit.
2. On July 9, 2019, the Department issued a Proposed Final Order recommending denial of the application because the use is not a classified use under the Willamette Basin Program pursuant to OAR 690-502-0050(1)(b). The protest period closed August 23, 2019 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein, with the following modification:
 - a. Finding #9 of the Proposed Final Order erroneously referred to basin program rule OAR 690-502-0150(2). The basin program rule shall be corrected to reflect OAR 690-502-0050(1)(b).

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)).

4. Pursuant to OAR 690-502-0240, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.
5. On August 14, 2019, the applicant submitted U.S. Bureau of Reclamation stored water contract #149E101851, as mitigation for the proposed use, which was approved by the Department.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order are incorporated herein.
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-17898, as amended, is approved and Permit G-18282 is issued.

DATED MAR 31 2020



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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