

Oregon Water Resources Department
Water Right Services Division

Water Right Application G-18642 in the name)
of JACKSON FAMILY INVESTMENTS III)
LLC) FINAL ORDER

Summary: Order approving Application G-18642, as amended, and issuing Permit G-18439.

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 (OAR 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 April 2, 2018, Jackson Family Investments III LLC submitted an application to the Department for a water use permit.
2. On May 14, 2019, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed June 28, 2019 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein with the following modifications.
4. After further review, the Department determined that the December 21, 2018 Public Interest Review mid-identified the Water Availability Basin, therefore, the water availability, potential for substantial interference with surface water, and condition information in the Proposed Final Order was incorrect.

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)).

5. On May 20, 2019, the Department submitted a revised Public Interest Review, which identified the correct water availability basin, being Chehalem Creek, and that the appropriation would have the potential for substantial interference with Harvey Creek. Because the potential for substantial interference with surface water was identified, reviews pursuant to OAR 690-033 were required from Oregon Department of Fish and Wildlife and Oregon Department of Environmental Quality.
6. On April 29, 2020, the applicant reduced the proposed rate to 0.0039 CFS to avoid the potential for substantial interference with surface water and removed Well 3 as a point of appropriation.

CONCLUSIONS OF LAW

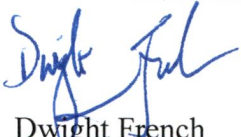
1. The conclusions of law in the Proposed Final Order are incorporated herein.
2. The proposed use, as conditioned, will ensure the preservation of the public welfare, safety and health.

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-18642, as amended, is approved and Permit G-18439 is issued.

DATED AUG 26 2020



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

-
- 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.
-