

Oregon Water Resources Department
Water Right Services Division

Water Right Application S-88043 in the name
of REID RANCH LLC and
SELTZER/JOHNSON TRUST

FINAL ORDER

Summary: Order approving Application S-88043 and issuing Permit S-55266.

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 Deschutes Basin Program (OAR 690-505). 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 January 8, 2015, Reid Ranch LLC and Seltzer/Johnson Trust submitted an application to the Department for a water use permit.
2. On February 4, 2020, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed March 20, 2020 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 determined that the spring identified as the source of water is an exempt spring, which does not form a well-defined natural channel and does not flow off the piece of property on which it first arises and, therefore, is not subject to OAR 690-033 rules and limitations.

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)).

- b. The Proposed Final Order indicated that water is available for the entire period requested. However the draft permit indicated the period of use as March 1 through April 14 and October 1 through October 31. The period of use in the attached permit has been corrected to March 1 through October 31 of each year.

CONCLUSIONS OF LAW

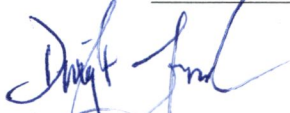
1. The conclusions of law in the Proposed Final Order are incorporated herein with the above modifications.
2. The proposed use, as conditioned, would not impair or be detrimental to the public interest.

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.

ORDER

Application S-88043 is approved and Permit S-55266 is issued.

DATED NOV 17 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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