

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

Water Right Application G-19079 in the name of KUCERA ENTERPRISES	FINAL ORDER
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Authority

Oregon Revised Statutes (ORS) 536.700 - 536.780 and Oregon Administrative Rules (OAR) 690-019 establish the process by which the Department can allow temporary emergency-use permits.

Findings of Fact

1. On April 5, 2021, Kucera Enterprises submitted an application to the Department for an emergency-use permit, requesting 0.325 cubic foot per second of groundwater for supplemental irrigation of 26.0 acres from a single well.
2. The Department has not received adverse comments related to the possible issuance of the attached permit.
3. The Department completed a review of the application in accordance with OAR 690-019-0040.
4. Drought conditions have created an inability on the part of the applicant to obtain water under existing Claim KA-1000.
5. The use is proposed in a designated drought area according to the Governor's March 31, 2021, Executive Order 21-07.
6. The required examination and recording fees were paid.
7. The Department considered the factors described in OAR 690-310-0130 and finds that:
 - (a) Under ORS 536.340(1)(a), the Water Resources Commission may establish a basin program to classify sources of water supply as to the highest and best use and quantities of use, and that classification of sources of water supply has the effect of restricting the use and quantities of use thereof to the uses and quantities of uses specified in the classification. The Commission has not established a basin program for the Klamath River Basin. Therefore, neither the proposed use nor the quantity of water is restricted as a result of this consideration;

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.

- (b) Groundwater is not available in the amount requested for this emergency, temporary use. However, the Department has also considered the need for water because of the drought emergency and the short-term nature of the proposed emergency use and has determined that the use would not impair or be detrimental to the public interest;
- (c) The proposed use will not injure other water rights; and
- (d) The proposed use complies with other rules of the Commission.

Conclusions of Law

The application will not cause injury to existing water rights and will not impair or be detrimental to the public interest (OAR 690-019-0040(3)).

Order

Now therefore, it is ordered, Application G-19079 is hereby approved and Permit G-18606 is issued as limited by the conditions contained therein.

DATED APR 27 2021



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

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached 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 Customer Service Group at 503-986-0801.

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