

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

Water Right Application G-18718 in the name)
of BRIAN K. THORSNESS, JACKIE L. THORSNESS) SUPERSEDING FINAL ORDER
and THORSNESS TRUST)

Summary: Order approving Application G-18718 and issuing Permit G-18550.

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 Deschutes Basin Program (OAR 692-505). 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 25, 2018, Brian K. Thorsness, Jackie L. Thorsness, and Thorsness Trust and submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on April 23, 2019. The protest period closed June 7, 2019, and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein.
4. As required by OAR 690-505-0615, the applicant must submit mitigation that meets the requirements of OAR 690-505-0610(2)-(5). Pursuant to OAR 690-505-0620, a permit shall not be issued until the applicant provides documentary evidence that mitigation water, in an amount satisfying the mitigation obligation, is legally protected instream.

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. The mitigation obligation for the proposed use is 9.0 acre-feet, which must be provided in the Middle Deschutes River Zone of Impact (located anywhere in the Middle Deschutes Basin above river mile 125).
6. The applicant has submitted documentary evidence that satisfactory mitigation has been obtained.
7. On April 23, 2019, the Department issued a Proposed Final Order and draft permit.
8. On September 12, 2019, the applicant reduced the place of use to 5.0 acres and submitted an updated map. The permit should describe the place of use as 5.0 acres, as shown in the attached permit.
9. The findings of fact in the Proposed Final Order are incorporated herein, with the following modification:
 - a. The period of use was erroneously describe as APRIL 1 THROUGH NOVEMBER 1. The period of use should be described as APRIL 1 THROUGH OCTOBER 31, as shown in the attached permit.

CONCLUSIONS OF LAW

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

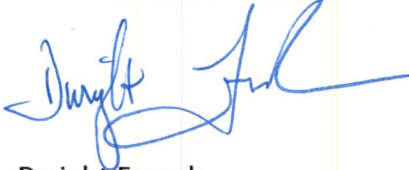
NOTE: When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety and health.

ORDER

This Final Order and Permit supersede the November 21, 2019 Final Order and the June 11, 2021 Permit G-18555, which are of no further force or effect.

Application G-18718 is approved and Permit G-18672 is issued.

DATED **JUL 02 2021**



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 Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.
 - 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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