

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

Water Right Application S-89158 in the name of MARK BENNETT and KELLY BENNETT	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 August 16, 2021, Mark Bennett and Kelly Bennett submitted an application to the Department for an emergency-use permit, requesting 125.0 acre-feet of water for supplemental irrigation of 117.0 acres from a Ben Irving Reservoir, constructed under Permit R-8444.
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 Water Right Certificate 91818 and Water Right Certificate 93735.
5. The use is proposed in a designated drought area according to the Governor's May 10, 2021 Executive Order 21-11.
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) The proposed use requested in this application is allowed in the Umpqua Basin Program (OAR 690-516-0005(1));
  - (b) Surface water is available in the amount requested for this emergency, temporary use;
  - (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 S-89158 is hereby approved and PermitS-55329 is issued as limited by the conditions contained therein.

DATED           **AUG 20 2021**          



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

*This document was prepared by Lisa Graham. If you have any questions about any of the statements contained in this document I can be reached at Elisabeth.A.Graham@oregon.gov or 503-979-3130.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0900.*

*Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*