

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

Water Right Application G-19030 in the name     )  
of DIAMOND MEADOWS TRACT 1384                     )  
HOMEOWNERS ASSOCIATION INC.                     )                     FINAL ORDER

**Summary:** Order approving Application G-19030 and issuing Permit G-18726.

**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 September 23, 2020, Diamond Meadows Tract 1384 Homeowners Association Inc. submitted an application to the Department for a water use permit.
2. On August 24, 2021, the Department issued a Proposed Final Order. The protest period closed October 8, 2021, and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein with the following modification:
  - a. The first increment of the mitigation obligation has been amended to 1.1 acre-feet.

**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)).

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.
5. The first increment of the mitigation obligation for the proposed use is 1.1 acre-feet, which must be provided in the Little Deschutes River Zone of Impact (located anywhere in the Little Deschutes Basin above the mouth of the Little Deschutes River).
6. The applicant has submitted documentary evidence that the first increment of satisfactory mitigation has been obtained.

#### **CONCLUSIONS OF LAW**

1. The conclusions of law in the Proposed Final Order are incorporated herein with the above modification.
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**

Application G-19030 is approved and Permit G-18726 is issued.

DATED NOV 19 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 Kim French at [Kim.R.French@oregon.gov](mailto:Kim.R.French@oregon.gov) or 503-979-3168.
  - 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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