

RONALD S. YOCKIM
Attorney at Law

430 S.E. Main Street
P.O. Box 2456
Roseburg, Oregon 97470

(541) 957-5900
FAX (541) 957-5923

April 30, 2009

Mr. Ruben Ochoa
Rule Coordinator
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

VIA EMAIL AND FACSIMILE

Re: Comments on Proposed Rules: OAR Chapter 690, Division 512 -- Reservation of Water

Dear Mr. Ochoa:

In response to your request for comments relative to the Harney County's request for an administrative rule reserving water for future economic development within the Home Creek basin, Harney County submits the following comments:

As set forth in the proposed rule, the reservation of water was a foundation of the mutually agreed upon Settlement Agreement entered into by Harney County, Roaring Springs Ranch, the Oregon Water Resources Department (OWRD), Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, WaterWatch, and other parties. (See February 25, 2009 Staff Report).

Harney County submitted the reservation request in accordance with the terms of the Settlement Agreement and supports the proposed rule as long as it does not depart from the mutually agreed Settlement. However, as currently proposed, OAR 690-512-0110(3) adds an additional provision that was not included within the Settlement Agreement. Harney County therefore requests that the following provision of the proposed rule be deleted and otherwise not adopted.

“Water availability for applications shall be calculated based on the percentage of the drainage area above the point of appropriation not to exceed the amount proportional to the total and any quantity of previously issued permits subtracted from the remaining reserved water if these applications are above the proposed point of diversion.”

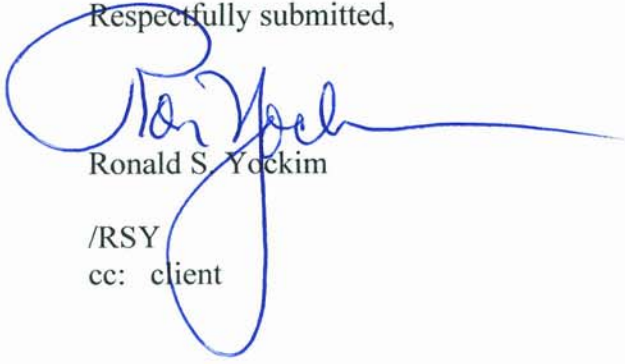
OAR 690-512-0110(3)

Rather than adopt this language, we encourage the Commission to be consistent with the Settlement Agreement wherein water availability for purposes of the reservation process was to be determined as described in a Memorandum from Tom Paul, Deputy Director of OWRD, to Director Phil Ward, dated June 6, 2005.

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With this deletion, the proposed rule will be consistent with the Settlement Agreement and Harney County encourages the adoption as modified.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ron Yockim", with a long horizontal flourish extending to the right and a large loop at the bottom.

Ronald S. Yockim

/RSY
cc: client