

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

Water Right Application S-89455 in the )  
name of TWO BROTHERS RANCH, LLC and )  
ANDREW CORNELL )

FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Summary:** Order approving Application S-89455 and issuing Permit S-55526.

***Authority***

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water exclusively. These statutes and rules can be viewed on the following website: [www.oregon.gov/OWRD/programs/policylawandrules](http://www.oregon.gov/OWRD/programs/policylawandrules)

The Department's main page is: [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

**FINDINGS OF FACT**

1. On April 18, 2024, Two Brothers Ranch, LLC and Andrew Cornell submitted an application for a water-use permit pursuant to ORS 537.147:

**Source:** MARSHALL CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-15627,  
TRIBUTARY TO MARSHALL CREEK AND AN UNNAMED STREAM

**Use:** IRRIGATION OF 6.0 ACRES

**Volume:** 9.1 ACRE-FEET (AF)

**Period of Use:** APRIL 1 THROUGH SEPTEMBER 30

**County:** WHEELER COUNTY

**Place of Use:** SECTION 36, TOWNSHIP 11 SOUTH, RANGE 22 EAST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. On April 23, 2024, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an 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 for judicial review or 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.

5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.
6. The period of use on the application is listed as irrigation season. The standard irrigation season for the appropriation of surface water is limited to April 1 through September 30 of each year.

**CONCLUSIONS OF LAW**

1. Application S-89455 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

**ORDER**

Application S-89455 is approved and Permit S-55526 is issued as limited by the conditions contained therein.

DATED AUGUST 9, 2024



Katherine Ratcliffe  
Water Rights Section Manager, for  
Ivan Gall, Director  
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Adam Frederick at Adam.M.Frederick@water.oregon.gov or 971-707-8400.
  - 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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