

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

Water Right Application S-89468 in the	)	FINAL ORDER
name of ROGUE FAMILY FARMS	)	APPROVING THE USE OF
	)	STORED WATER

**Summary:** Order approving Application S-89468 and issuing Permit S-55530.

***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 May 28, 2024, Rogue Family Farms submitted an application for a water-use permit pursuant to ORS 537.147:  

**Source:** XP RESERVOIR, CONSTRUCTED UNDER PERMIT R-15198, TRIBUTARY TO  
LITTLE BUTTE CREEK  
**Use:** IRRIGATION OF 68.8 ACRES AND NURSERY USE ON 68.8 ACRES  
**Volume:** 8.2 ACRE-FEET (AF)  
**Period of Use:** JANUARY 1 THROUGH DECEMBER 31  
**County:** JACKSON COUNTY  
**Place of Use:** SECTIONS 27 AND 28, TOWNSHIP 35 SOUTH, RANGE 1 WEST, 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. Nursery use includes the use of water for irrigation, as defined in OAR 690-300-0010; and therefore, irrigation is not characterized as a separate use on the attached permit.

**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.

4. On June 4, 2024, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
5. On August 30, 2024, the Department received an amended map and an amended application page 5, reducing the total place of use to 50.1 acres and resolving potential layering conflicts with Eagle Point Irrigation District.
6. The Department received one public comment during the comment period and one comment after the comment period related to the possible issuance of the attached permit. The Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

#### **CONCLUSIONS OF LAW**

1. Application S-89468 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

#### **ORDER**

Application S-89468 is approved, and Permit S-55530 is issued as limited by the conditions contained therein.

DATED JANUARY 17, 2025



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 Lucinda Vranizan at [Lucinda.R.Vranizan@water.oregon.gov](mailto:Lucinda.R.Vranizan@water.oregon.gov) or 971-375-2256.
  - 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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