

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON**

In the Matter of Water Rights Application        )  
R-87095, Crook County                                )

SUPERSEDING FINAL ORDER  
APPROVING THE STORAGE OF  
SURFACE WATER

**Authority**

Oregon Revised Statutes (ORS) 537.409 establishes the process by which an application to store waters of the public may be submitted.

**Findings of Fact**

1. On February 19, 2008, Shotgun Ranch LLC submitted an application for a permit to store water pursuant to ORS 537.409.
2. On March 16, 2009, the Department issued Permit R-14641 authorizing the storage of an “unnamed stream, tributary to Shotgun Creek”.
3. The Department determined the source of water was not accurately described in Permit R-14641. The attached superseding permit, R-14739, correctly describes the source as “a spring and drainage way” as requested in the application materials.

**Conclusions of Law**

Application R-87095 is consistent with the requirements of ORS 537.409. Therefore, the proposed use will not impair or be detrimental to the public interest.

**Now Therefore, it is Ordered:**

Permit R-14739 is issued to supersede Permit R-14641. Permit R-14641 is of no further force or effect.

**APPEAL RIGHTS**

**Appeal to a circuit court:** This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

**Petition to the Department for Reconsideration of the Final Order:** A person entitled to judicial review of this order may also file a petition for the Department’s reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

Dated at Salem, Oregon on May 1, 2009.

*E. Timothy Wall.*

for Phillip C. Ward, Director  
Water Resources Department

This order was produced by Jeana Eastman. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0859 or [Jeana.M.Eastman@ wrd.state.or.us](mailto:Jeana.M.Eastman@ wrd.state.or.us).

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.