

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number R-87015

**FINAL ORDER ON RECONSIDERATION  
OF THE DEPARTMENT'S SUPERSEDING FINAL ORDER  
ISSUED SEPTEMBER 27, 2010.**

*Hearing and Appeal 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.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under 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 ORS 536.075 and OAR 137-004-0080 you may either 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

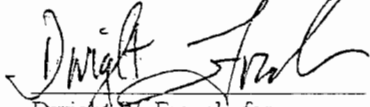
*Application History*

On October 19, 2007, J R Simplot Co and Westland Enterprises LLC ("Applicants") filed an application to store water with the Department. The Department issued a Final Order approving the application and issued Permit R-14763 on August 27, 2009. The Final Order and Permit provided for a storage season of November 1 through May 31. On July 29, 2010, the Department issued a Superseding Final Order, which changed the storage season to January 1 through April 14. The Department revoked Permit R-14763 and in its place issued Permit R-14854, which provides for a January 1 through April 14 storage season, but does not otherwise alter the terms of Permit R-14763. The Applicants filed a Request for Reconsideration and Request for Stay of the Superseding Final Order on September 27, 2010. The Applicants' Request for Reconsideration is hereby granted.

**ORDER**

Upon reconsideration, the Department has decided to withdraw the Superseding Final Order and Permit R-14854 issued on July 29, 2010. The Superseding Final Order and Permit R-14854 are of no further force or effect. The Department hereby reinstates the Final Order issued on August 27, 2009, and Permit R-14763. This Final Order on Reconsideration does not address the specific legal or factual arguments made by the Applicants in their Request for Reconsideration, and does not constitute either an acceptance or a rejection of any of these arguments.

**DATED November 12, 2010**

  
Dwight W. French, for  
Phillip C. Ward, Director  
Water Resources Department