

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

In the Matter of Water Rights Application        )  
S-87580, Douglas County                            )

SUPERSEDING FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Authority**

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. 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.

**Findings of Fact**

1. On February 16, 2010, HELEN E NORTHCRAFT TRUST submitted an application for a water-use permit pursuant to ORS 537.147.
2. The Department provided public notice of the application in the Department's weekly public notice on February 23, 2010. A 30-day comment period followed.
3. On April 21, 2011, the Department issued a Final Order approving the application upon the submission of an executed and valid contract with Lookingglass Olalla Water Control District authorizing appropriation of stored water from Ben Irving Reservoir.
4. On June 13, 2011, the applicant clarified the number of households is three (3), rather than one (1) as described in the April 21, 2011 Final Order.
5. The April 21, 2011 Final Order is superseded by this Final Order.
6. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

**Conclusions of Law**

The April 21, 2011 Final Order for Application S-87580 is superseded by this Final Order.

Application S-87580 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

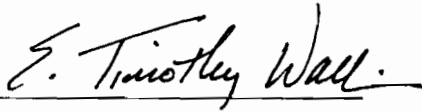
**Now Therefore, it is Ordered:**

Application S-87580 is approved, and Permit S-54713 is issued as limited by the conditions contained therein.

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

This is an order in other than a 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 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.

Dated at Salem, Oregon on JUNE 16 2011.



for Phillip C. Ward, Director

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@wrд.state.or.us](mailto:Jeana.M.Eastman@wrд.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.