

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

In the Matter of Water Rights Application)
S-87597, Coos County)

**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 exclusively.

Findings of Fact

1. On April 28, 2010, John Roth submitted an application for a water-use permit pursuant to ORS 537.147. The Department provided public notice of the application in the Department's weekly public notice on May 11, 2010. A 30-day comment period followed.
2. On May 17, 2011, the Department issued a Proposed Final Order proposing to deny the application because water stored in Windhurst Reservoir, constructed under Permit R-12928, was fully appropriated under secondary Permit S-53703.
3. On May 24, 2011, the Department withdrew the Proposed Final Order.
4. Although the full reservoir capacity has already been allocated, the Department has determined that if the secondary rights authorizing allocation of the water stored in the reservoir have not been certificated, then additional secondary permits may be issued with special conditions.
5. The Department finds that water is available for the proposed use.
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

Application S-87597 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.


Now Therefore, it is Ordered:

Application S-87597 is approved, and Permit Number S-54725 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 SEPTEMBER 13 2011.



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director

This order was produced by Kerry Kavanagh. 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 503-986-0816 or Kerry.L.Kavanagh@wrdd.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.