

**Oregon Water Resources Department  
Water Rights Services Division**

Water Rights Application  
Number R-87807

**Superseding Final Order**

*Appeal Rights*

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 May 18, 2012, Hollow Goose Farm LLC submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on December 11, 2012. The protest period closed January 25, 2013, and no protest was filed.

On February 28, 2013, the Department issued a Final Order approving Application R-87807 and Permit R-15006.

Subsequent review determined the water availability report and seasonal limitation was inaccurate.

The Department completed a water availability determination and finds that water is available for the proposed use October 1 through June 30.

The Department erroneously applied the seasonal limitation in OAR 690-502-0040(4)(a) to the application and permit. The correct citation is OAR 690-502-0150(3), which does not specify a season of appropriation for wetland enhancement and wildlife; therefore the season will only be limited by water availability.

This Order and Permit R-15013 supersede the February 28, 2013 Final Order for Application R-87807 and Permit R-15006, which are no further force or effect.

The proposed use would not impair or be detrimental to the public interest.

**Order**

This Order and Permit R-15013 supersede the February 28, 2013 Final Order for Application R-87807 and Permit R-15006, which are no further force or effect.

Application R-87807 therefore is approved with the above modifications to the Proposed Final Order, and Permit R-15013 is issued as limited by the conditions set forth therein.

**DATED March 21, 2013**



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

*This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.*

*If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*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 Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*