

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

In the Matter of Water Rights Application        )  
S-87852, Yamhill 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 December 5, 2012, FOXGLOVE PROPERTIES LLC 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 January 8, 2013. A 30-day comment period followed.
2. The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies (OAR 690-320-0070(3)).
3. 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.

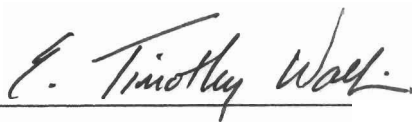
**Conclusions of Law**

Application S-87852 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

**Now Therefore, it is Ordered:**

Application S-87852 is approved, and Permit Number S-54831 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on October 1 2013.



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

**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.