

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

In the Matter of Water Rights Application        )  
S-87905, Clackamas 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 exclusively.

**Findings of Fact**

1. On June 4, 2013, DEVIN COOPER; ALLDEVALE 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 June 25, 2013. A 30-day comment period followed.
2. 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.
3. On September 26, 2013, the Department issued a Final Order approving Application S-87905 and Permit S-54830. Subsequently, the Department determined Permit S-54830 erroneously listed 0.4 acres in the SWSE, Section 7, T5S, R1E, W.M. The correct location for 0.4 acres is in the SESE, Section 7, T5S, R1E, W.M. Permit S-54830 also listed the use as nursery uses on 21.9 acres, because of an omission of 2.2 acres in the SWSE, Section 7, T5S, R1E, W.M., the correct use is nursery uses on 24.1 acres.

**Conclusions of Law**

Application S-87905 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

**Now Therefore, it is Ordered:**


This Order and Permit S-54836 supersede the September 26, 2013, Final Order for Application S-87905 and Permit S-54830, which are of no further force or effect.

Application S-87905 therefore is approved with the above modifications to the Proposed Final Order, and Permit S-54836 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 OCTOBER 22 2013.



*E. Timothy Wallin*

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

This order was produced by Mary Rohling. 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 [Mary.F.Rohling@ wrd.state.or.us](mailto:Mary.F.Rohling@ wrd.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.