

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

In the Matter of Water Rights Application)
S-87915, Jackson 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 24, 2013, Philip Scuderi Jr and Catherine Scuderi 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 July 23, 2013. A 30-day comment period followed.
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.
4. On April 15, 2015, the Department issued a Final Order approving Application S-87915 and Permit S-54936. Subsequently, the Department discovered Permit S-54936 erroneously omitted a portion of the proposed place of use. The attached superseding permit correctly describes the authorized place of use in the SW ¼ SE ¼,, Section 11, Township 39 South, Range 3 West, W.M. being 15.85 acres.

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

ORS 537.409 does not provide an opportunity to request a contested-case hearing. Appeal rights on this final order approving the application are limited to the above procedures.

Conclusions of Law

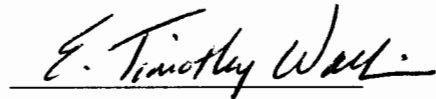
Application S-87915 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

Now Therefore, it is Ordered:

This document supersedes the April 15, 2015 Final Order and Permit S-54936, which are of no further force or effect.

Application S-87915 is approved with the above modifications, and Permit Number S-54941 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on MAY 27 2015.



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This order was produced by Kerri H. Cope. 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 503-986-0806 or Kerri.H.Cope@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.