

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

In the Matter of Water Rights Application)
S-88099, Douglas 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 18, 2015, Azalea Rojo, LLC 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 14, 2015. 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 September 29, 2015, the Department issued a Final Order approving Application S-88099 and Permit S-54962. Subsequently, the Department discovered Permit S-54962 erroneously included the Ben Irving Reservoir point of diversion as a point of re-diversion. For increased clarity, that point of diversion is not included in the attached permit.

Conclusions of Law

Application S-88099 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

Now Therefore, it is Ordered:

This document supersedes the September 29, 2015 Final Order and Permit S-54962, which are of no further force or effect.

Application S-88099 is approved, and Permit Number S-54973 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 5 2015.

E. Timothy Wallin

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 can be reached 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.