

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number R-86923

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.

Findings of Fact

1. On June 27, 2007, Jack Stevens and White River Ranch LLC submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on September 8, 2009.
3. The protest period closed October 23, 2009, and no protest was filed.
4. On November 30, 2009, the Department issued a Final Order approving application R-86923 pending the approval of dam plans and specifications. Subsequently the Department discovered the November 30, 2009 Final Order had a scrivener's error indicating the proposed use of the stored water is multiple purpose, which is not a classified use within the Deschutes Basin Program. The permit shall be corrected to indicate that the use of stored water is for irrigation and livestock use which are allowable uses in the Deschutes Basin Program.
5. On April 3, 2013, the application was assigned to Dog River Orchards, LLC and Northwest Farm Credit Services, FLCA.
6. The applicant stated on August 3, 2015 that the intended use of the stored water is for irrigation and livestock.

Conclusions of Law

1. The proposed use would not impair or be detrimental to the public interest pursuant to ORS 537.153(2).

Order

The November 30, 2009 Final Order is superseded by this document and is of no further force or effect.

Application R-86923 therefore is approved as described in the superseding Final Order, and Permit R-15108 is issued as limited by the conditions therein.

DATED October 9, 2015

E. Timothy Wallin

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

This document was prepared by Kerri H. Cope. 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 503-986-0806.

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.