

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

Water Rights Application
Number R-87044

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 November 23, 2007, Oregon Ranching Co.; Twin Buttes Ranch submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on August 18, 2009, proposing to deny the application because the proposed use does not comply with the rules of the Water Resources Commission, specifically, OAR 690-033.
3. On October 1, 2009, Oregon Ranching Co., filed a timely protest.
4. On March 26, 2013, the Department received an updated application map when the applicant determined that a bypass channel should be made part of the application.
5. On October 15, 2015, the Department received a letter from Bruce A. Estes, CWRE, stating the he had communicated with a representative at ODFW and he would be willing to re-investigate the proposed site.
6. On April 20, 2016, the Department received an updated ODFW Division 33 review recommending approval with conditions.

7. On July 14, 2016, the Department sent a letter to Oregon Ranching Co. with a draft settlement agreement and a draft Final Order and permit. The issuance of the Final Order and Permit under those terms was conditional on the applicant and the Department signing the Settlement Agreement and compliance with its terms.
8. As of this date, January 31, 2017, the Department has not received a signed settlement agreement from the Oregon Ranching Co. owner.
9. The ranch manager, Brenda Hartzell, has informed the Department that the applicant is no longer interested in pursuing the application. The Department will treat the ranch manager's statement as a fact in the absence of any statement to the contrary from the applicant.
10. The remaining findings of fact in the Proposed Final Order are incorporated herein as if fully set forth with no modification.

Conclusions of Law

The conclusions of law in the Proposed Final Order are incorporated herein as if fully set forth with no modification.

Now, therefore, it is ORDERED:

Application R-87044 is denied.

DATED February 8, 2017

E. Timothy Wallin

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

This document was prepared by Scott Grew. If you have any questions about any of the statements contained in this document he can be reached at 503-986-0899.

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.