

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

Water Right Application R-86762 in the)
name of ROSEROCK WEST 2 LLC) SUPERSEDING FINAL ORDER
)

Summary: Order approving Application R-86762, as amended and issuing Permit R-15302.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and Willamette Basin Program OAR 690-502. These statutes and rules can be viewed on the Oregon Water Resources website:

<http://www.oregon.gov/owrd/pages/law/index.aspx>

The Department's main page is <http://www.oregon.gov/OWRD/pages/index.aspx>.

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

The findings of fact in the Proposed Final Order issued September 26, 2017 are incorporated herein, with the following exceptions:

1. On February 9, 2007, Premier Pacific Vineyards, Inc. submitted an application to the Department for a water use permit.
2. On August 12, 2015, the application was assigned to Roserock West 2 LLC.
3. The Department issued a Proposed Final Order on September 26, 2017.
4. The protest period closed November 10, 2017, and no protest was filed.
5. On December 15, 2017, the Department issued a Final Order approving Application R-86762 and a draft permit. Subsequently the Department discovered the March 9, 2017 Final Order erroneously required approved dam plans and specifications prior to issuing a permit. The Applicant clarified that this application is to store additional water in an existing reservoir.

Hearing Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b)).

Appeal Rights

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

The existing structure will not be modified; therefore dam plans and specifications are not required.

6. The proposed use would not impair or be detrimental to the public interest.

CONCLUSIONS OF LAW

The conclusions of law in the Proposed Final Order issued September 26, 2017 are incorporated herein, with the above modifications.

When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project. Permit R-15302 is conditioned accordingly.

ORDER

The September 26, 2017 Final Order is superseded by this document and is of no further force or effect.

Application R-86762, as amended, is approved and Permit R-15302 is issued.

DATED February 8, 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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