

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

Water Rights Application R-88319 in the name )  
of TRIPLE 7 RANCH LLC ) SUPERSEDING FINAL ORDER

**Summary:** Order approving Application R-88319 and issuing Permit R-15323

**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 John Day Basin Program OAR 690-506. 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 January 9, 2018 are incorporated herein.

1. On November 30, 2016, Triple 7 Ranch LLC submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on January 9, 2018.

**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.

3. The protest period closed February 23, 2018, and no protest was filed.
4. On April 3, 2018, the Department issued a Final Order approving Application R-88319 and Permit R-15315. Subsequently the Department discovered the Permit R-15315 erroneously identified the incorrect application number. The permit should reference Application R-88319, as indicated in the attached permit.

Accordingly, pursuant to OAR 137-004-0080(5), a superseding Final Order and Permit will be issued.

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

### **CONCLUSIONS OF LAW**

1. The conclusions of law in the Proposed Final Order issued January 9, 2018 are incorporated herein.

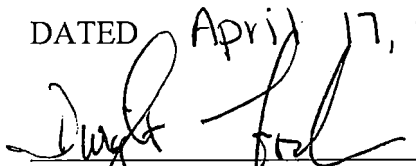
NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project. Permit R-15315 is conditioned accordingly.

### **ORDER**

This document supersedes the April 3, 2018 Final Order and Permit R-15315, which are of no further force or effect.

Application R-88319 is approved with the above modifications, and Permit R-15323 is issued as limited by the conditions contained therein.

DATED April 17, 2018



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

If you have any questions about statements contained in this document, please contact Kim French at [Kim.R.French@oregon.gov](mailto: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 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.