

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

Water Right Application S-87644 in the )  
name of J AND C BAYNE LLC )  
)

FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Authority**

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (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 July 27, 2010, J and C Bayne, 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 August 8, 2010. A 30-day comment period followed.
3. The Department has evaluated the application and any comments received, and finds that no public interest under ORS 537.170(8) would be affected adversely by the proposed use.
4. On January 13, 2011, the Department issued a Final Order and Draft permit, contingent on the submittal of a valid contract from the Bureau of Reclamation authorizing appropriation of stored water from the Willamette Basin Project Reservoirs.
5. On March 2, 2011, the agent requested a 180-day administrative hold, which expired on August 29, 2011.
6. On June 15, 2018, the Department issued a Final Order denying Application S-87644.
7. On June 22, 2018, the Bureau of Reclamation notified the Department that a contract was executed on April 4, 2018. Therefore, the June 15, 2018 Final Order denying Application S-87644 is withdrawn and is of no further force of effect.

**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 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 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.

**CONCLUSIONS OF LAW**

Application S-87644 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

**ORDER**

Application S-87644 is approved and Permit S-55165 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on September 18<sup>th</sup>, 2018.



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

If you have questions about statements contained in this document, please contact Lisa Graham at Elisabeth.A.Graham@oregon.gov or 503-986-0808.

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.