

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

Water Right Application S-88571 in the)	SUPERSEDING FINAL ORDER
name of MARK DORMAN and KING)	APPROVING THE USE OF
ESTATE WINERY INC.)	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 March 27, 2018, Mark Dorman and King Estate Winery Inc. 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 April 10, 2018. A 30-day comment period followed.
3. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.
4. On June 12, 2018, the Department issued a Final Order approving Application S-88571 and a draft permit. Subsequently, the Department discovered the June 12, 2018 Final Order erroneously described the acreage for irrigation to be 8.3 acres. The permit should be modified to reflect the acreage for irrigation as being 10.7 acres, as indicated in the attached permit.

CONCLUSIONS OF LAW

Application S-88571 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

ORDER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW


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)).

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.

This Final Order and Permit supersede the June 12, 2018 Final Order and draft permit, which are of no further force or effect.

Dated at Salem, Oregon on October 23rd, 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 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.