

1. The conclusions of law in the Proposed Final Order issued May 29, 2018 are incorporated herein.
2. The proposed use would not impair or be detrimental to the public interest.

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 S-55155 is conditioned accordingly.

**ORDER**

Application S-86759 is approved and Permit S-55155 is issued.

DATED *December 26<sup>th</sup>, 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](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 Water Resources Customer Service Group at 503 986-0900.
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**Oregon Water Resources Department  
Water Right Services Division**

Water Right Application S-86759 in the )  
name of ROSEROCK EAST LLC ) FINAL ORDER  
)

**Summary:** Order approving Application S-86759 and issuing Permit S-55155.

***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 May 29, 2018 are incorporated herein.

1. On February 9, 2007, Roserock East LLC submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on May 29, 2018.
3. The protest period closed July 13, 2018, and no protest was filed.
4. The Department's continuing evaluation reveals that the Proposed Final Order and draft permit erroneously stated the incorrect priority date. The priority date is corrected to read February 9, 2007, as stated in the attached permit.

**CONCLUSIONS OF LAW**

**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.