

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

Water Right Application S-88805 in the )  
name of PHILIP WIRTH and WINDY )  
CANYON RANCH LLC/TRIPLE 7 RANCH 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 January 28, 2020, Philip Wirth and Windy Canyon Ranch LLC/Triple 7 Ranch LLC submitted an application for a water-use permit pursuant to ORS 537.147:
  - Source:** RESERVOIRS N1 , N2, N3, S1, S2, AND S3, CONSTRUCTED UNDER PERMIT R-15323, TRIBUTARY TO COTTONWOOD CREEK
  - Use:** IRRIGATION OF 489.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 70.5 ACRES, LIVESTOCK, FIRE PROTECTION, FISH LIFE, WILDLIFE, AND RECREATION
  - Volume:** 129.5 ACRE-FEET (AF)
  - Period of Use:** JANUARY 1 THROUGH DECEMBER 31
  - County:** GRANT COUNTY
  - Place of Use:** SECTIONS 18, 19, 20, AND 21, TOWNSHIP 9 SOUTH, RANGE 28 EAST, W.M.
2. The required examination fees were paid and minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. On February 25, 2020, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.

**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.

5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

**CONCLUSIONS OF LAW**

1. Application S-88805 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

**ORDER**

Application S-88805 is approved and Permit S-55350 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on MAR 22 2022



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 503-979-3130.

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.