

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of the Proposed Water)	FINAL ORDER APPROVING A
Management and Conservation Plan for the)	WATER MANAGEMENT AND
Port of Morrow, Morrow County)	CONSERVATION PLAN

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. The Port of Morrow (Port) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on September 26, 2017. The plan was required by a condition set forth under the Port's previously approved plan (Sp. Or. Vol. 74, Pgs. 69-71) issued on January 18, 2008 and conditions set forth in Final Orders issued on July 31, 2015 and November 4, 2016 approving Extensions of Time for Permits G-12370 and G-13765, respectively.
2. The Department published notice of receipt of the plan on October 17, 2017, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to the Port on December 14, 2017 and February 16, 2018. In response, the Port submitted revised plans on January 29, 2018 and February 23, 2018.
4. The Department reviewed the final revised plan and finds that the revised plan is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by the Port of Morrow is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

Duration of Plan Approval:

This is a final order in other than a contested case. This order is subject to judicial review under 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 ORS 536.075 and 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.

1. The Port of Morrow's Water Management and Conservation Plan is approved and shall remain in effect until **April 3, 2028**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation(s):

2. The limitation of the diversion of water under Permit G-12370 established in the Final Order approving an Extension of Time for Permit G-12370 (*issued on July 31, 2015*) and the limitation of the diversion of water under Permit G-13765 established in the Final Order approving an Extension of Time for Permit G-13765 (*issued on November 4, 2016*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, the Port of Morrow remains authorized to divert up to 0.11 cfs (*out of the total permitted 1.448 cfs*) of water under Permit G-12370 and 0.46 cfs (*out of the total permitted 4.96 cfs*) of water under Permit G-13765.

Plan Update Schedule:

3. The Port of Morrow shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **October 3, 2027**.

Progress Report Schedule:

4. The Port of Morrow shall submit a progress report containing the information required under OAR 690-086-0120(4) by **April 3, 2023**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Port of Morrow from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 5th day of April, 2018.



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

Mailing date: APR 09 2018

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>