

Final Order

Application History

On September 11, 1990, the Oregon Department of Fish and Wildlife submitted an application to the Department for an instream water right in Bridge Creek, a tributary to Island Branch, Silver Creek. On August 27, 1996, the Department issued a Proposed Final Order proposing to issue the certificate with conditions. ZX Ranch filed a protest on October 10, 1996. The Department evaluated the protest to determine if it provided a preponderance of evidence showing that the proposed use would impair or be detrimental to the public interest according to standards described in ORS 537.170(8) and concluded that it did not.

Findings of Fact

The findings of fact in the Proposed Final Order are incorporated into this Final Order, with the exception of the following:

The finding of fact that states "The estimated average natural flow for the lower end of the requested reach is as follows (in cubic feet per second):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1.65	1.68	2.71	5.17	16.60	14.80	3.59	1.20	0.95	1.39	1.48	1.26

is **replaced** with the following to reflect that the estimated average natural flow for the reach has been updated since the Proposed Final Order was issued:

The estimated average natural flow for the lower end of the requested reach is as follows (in cubic feet per second):

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1.59	1.63	2.36	4.31	16.10	16.50	4.04	1.32	1.04	1.49	1.53	1.24

Additional Finding of Fact

The description of the beginning and end of the reach in the Proposed Final Order and draft certificate was incorrect. The correct description is as follows:

BRIDGE CREEK FROM SOUTH FORK BRIDGE CREEK (SWNE, SECTION 6, T30S, R13E) TO USFS BOUNDARY (NWSW, SECTION 15, T29S, R13E)

Conclusions of Law

The conclusions of law in the Proposed Final Order are incorporated into this Final Order, with the exception of the following:

The conclusions of law that states: "The stream flows listed below represent the minimum flows necessary to support the public use

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
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1.65 1.68 2.71 5.17 10.00 6.00 2.00 1.20 0.95 1.39 1.48 1.26

is **replaced** with the following to reflect that the estimated average natural flow for the reach has been updated since the Proposed Final Order was issued:

The stream flows listed below represent the minimum flows necessary to support the public use.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1.59	1.63	2.36	4.31	10.00	6.00	2.00	1.32	1.04	1.49	1.53	1.24

The proposed use would not impair or be detrimental to the public interest.

Order

IT IS HEREBY ORDERED that Application IS-70658 is approved as provided in the attached certificate.

Issued JAN 20 2017



Dwight French, Water Right Services Administrator, *for*
Thomas M. Byler, Director

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 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 183.484, 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.