

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

In the Matter of Allocation of Conserved	)	PROPOSED FINAL ORDER APPROVING
Water Application CW-149,	)	COMPLETION OF ALLOCATION OF
Linn County	)	CONSERVED WATER CW-149

Applicant

LEE HOLDINGS, LLC
34309 HIGHWAY 34 SE
ALBANY, OR 97322

Applicable Law

Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application for an Allocation of Conserved Water to the Water Resources Commission for a conservation project that has not yet been implemented or was implemented within five years prior to the submission of the application. ORS 537.465. Under the Allocation of Conserved Water Program, a portion of the water proposed to be conserved by an applicant may be used on additional lands, put to a different use, or be leased or sold to another user. OAR 690-018-0010. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include: (a) A description of the measure as implemented and the date on which the measure was implemented; (b) A description of the diversion facilities before the conservation measure was implemented and the amount of water that was diverted at the facilities before the conservation measure was implemented; (c) The amount of water needed to supply existing rights after implementation of the conservation measure; (d) The amount of water conserved by implementing the conservation measure; (e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470; (f) The intended use of any water allocated to the applicant and the proposed location of use; (g) The applicant's choice of priority date for the conserved water; (h) Evidence that the measure was implemented within five years prior to the date of filing the application; and (i) Any other information the commission considers necessary to evaluate the application. ORS 537.465.

After determining any quantity of water needed to mitigate the effects on other water rights, 25-percent of the conserved water shall be allocated to the state and 75-percent to the applicant unless the applicant proposes a higher allocation to the state or more than

25-percent of the funds used to finance the conservation measures comes from federal or state sources not subject to repayment. ORS 537.470(3).

If an application for the allocation of conserved water is approved, the Department shall issue orders describing the changes in the original water rights. Once the conservation project is finalized, the Department shall issue new certificates preserving the previously established-priority date of the rights to reflect the unaffected portion of the water rights and new certificates reflecting the changes for the portions of the water rights involved in the conserved water application. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process by which a water right holder may submit a request for an allocation of conserved water. OAR Chapter 690, Division 18, implements the statutes and provides the Department's procedures and criteria for evaluating allocation of conserved water applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

Findings of Fact

1. On March 13, 2026, Lee Holdings, LLC filed an allocation of conserved water application under Certificates 98556 and 98658. The Department assigned the application number CW-149.
2. On April 6, 2026, the Department emailed the applicant and agent regarding the place of use under Certificate 98658. It appears that the footprint has changed since the certificate was issued September 26, 2025, more specifically, the place of use was reduced in the SE SE of Section 1 and NE NE of Section 12, Township 12 South, Range 3 West, WM. The reduction in acres would affect the amount of water being conserved, as the entirety of the right was originally proposed.
3. On April 20, 2026, the Department received a revised conserved water table and map for Certificate 98658, reducing the number of acres proposed for the Allocation of Conserved Water program and the amount of water conserved. This resolves the discrepancy.
4. The conservation project involves converting from big gun overhead irrigation single drip emitters. The conversion to drip irrigation is a proven technology for conserving water.

5. Application CW-149 proposes a rate reduction of approximately 1.33 cubic feet per second (cfs) and proposes to reduce the annual volume by 399.2 acre-feet (AF) under Certificate 98556, and a reduction of approximately 0.55 cfs and proposes to reduce the annual volume by 131.12 AF under Certificate 98658.

Conserved Water Description										
	Certificate				Needed				Conserved Water	
	Rate		Duty		Rate		Duty		Rate	Duty
Certificate	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF
98556	2.67	0.007	998.0	2.5	1.34	0.0034	598.8	1.5	1.33	399.2
98658	1.22	0.009	327.8	2.5	0.67	0.0051	196.68	1.5	0.55	131.12
Totals	3.89		1325.8		2.01		795.48		1.88	530.32

6. The first right to be modified by CW-149 is as follows:

Certificate: 98556 in the name of LEE HOLDINGS LLC and AXA EQUITABLE LIFE INSURANCE CO., C/O AXA EQUITABLE AGRIFINANCE LLC (perfected under Permit G-17611)

Use: IRRIGATION of 399.2 ACRES

Priority Date: SEPTEMBER 16, 2015

Rate: 2.67 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: WELL 1 AND WELL 2 IN OAK CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	3 W	WM	35	SE SE	66	WELL 1 – 1179 FEET NORTH AND 39 FEET WEST FROM THE SE CORNER OF SECTION 35
11 S	3 W	WM	35	SE SE	66	WELL 2 – 11 FEET NORTH AND 39 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	3 W	WM	35	NE SW	67	31.6
11 S	3 W	WM	35	SE SW	67	32.2
11 S	3 W	WM	35	NE SE	67	11.0
11 S	3 W	WM	35	NW SE	67	39.5
11 S	3 W	WM	35	SW SE	67	38.7
11 S	3 W	WM	35	SE SE	66	29.7
11 S	3 W	WM	35	SE SE	67	6.9
12 S	3 W	WM	2	NE NE	37	32.0
12 S	3 W	WM	2	NE NE	38	7.2
12 S	3 W	WM	2	NW NE	38	40.4

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
12 S	3 W	WM	2	SW NE	38	34.9
12 S	3 W	WM	2	SE NE	37	29.3
12 S	3 W	WM	2	SE NE	38	6.2
12 S	3 W	WM	2	NE NW	38	33.5
12 S	3 W	WM	2	SE NW	38	26.1
Total						399.2

7. The second right to be modified by CW-149 is as follows:

Certificate: 98658 in the name of JIMMY LEE; LEE HOLDINGS LLC (perfected under Permit G-18232)

Use: IRRIGATION of 131.12 ACRES

Priority Date: JULY 27, 2018

Rate: 1.22 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: A WELL IN OAK CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
12 S	3 W	WM	1	SE SE	57	1858 FEET SOUTH AND 4650 FEET EAST FROM THE W1/4 CORNER OF SECTION 1

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
12 S	3 W	WM	1	SW NE			5.07
12 S	3 W	WM	1	NE SE		57	19.00
12 S	3 W	WM	1	NW SE	2		26.69
12 S	3 W	WM	1	NW SE		57	8.20
12 S	3 W	WM	1	SW SE	3		20.49
12 S	3 W	WM	1	SW SE		57	13.21
12 S	3 W	WM	1	SE SE		57	22.55
12 S	3 W	WM	12	NE NE		57	8.84
12 S	3 W	WM	12	NW NE		57	7.07
Total							131.12

8. Certificates 98556 and 98658 identify the irrigation season of use, being April 1 through October 31.

9. Water has been used within the five-year period prior to submission of the allocation of conserved water application, and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610. Both confirming certificates were issued within the last five years.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of the application.
11. The Applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
98556	25%	0.33	99.80	75%	1.00	299.4	100%	1.33	399.2
98658	25%	0.14	32.78	75%	0.41	98.34	100%	0.55	131.12
Totals		0.47	132.58		1.41	397.74		1.88	530.32

12. The Applicant proposes that its portion of the conserved water be allocated for an out-of-stream use within:

Twp	Rng	Mer
10 S	2 W	WM
10 S	3 W	WM
11 S	2 W	WM
11 S	3 W	WM
12 S	2 W	WM
12 S	3 W	WM
12 S	4 W	WM
13 S	2 W	WM
13 S	3 W	WM
13 S	4 W	WM

13. The Applicant requests that the priority date for any conserved water be one minute junior to the originating right.
14. The Applicant funded 100% of the conservation project.
15. The Applicant submitted a completed Land Use Form from Linn County that indicated the proposed use was allowed outright or is not regulated by Linn County's comprehensive plan.
16. The implementation of the conservation measures began no earlier than October 2024. The Applicant provided evidence that it attempted to identify and resolve the concerns of water right holders in the area, governmental entities and other organizations who have asked to be consulted.

17. The Applicant submitted a Notice of Completion with the application indicating the project was complete. The Applicant will submit a Request for Finalization of the allocation on or before October 31, 2029.
18. The application meets the requirements of OAR 690-018-0040.
19. Notice of the proposed conservation project was published in the Department's weekly notice on April 21, 2026, and in the New Era (Sweet Home) newspaper on April 8 and 15, 2026, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

Allocation of Conserved Water Review Criteria [OAR 690-018-0050]

20. The proposed allocation of conserved water will result in reduced diversions of the use allowed under the existing rights pursuant to OAR 690-0018-0050(3)(a). (Finding of Fact #5).
21. On April 24, 2026, the District #2 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(3)(b) and (d).
22. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. OAR 690-018-0050(3)(c). (Finding of Fact #15).
23. Pursuant to OAR 690-018-0050(3)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-149 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
98556	1.34	0.0034	598.8	1.5
98658	0.67	0.0051	196.68	1.5

(Finding of Fact #5).

24. Pursuant to ORS 537.470(3), the rates and volumes allocated to the State to remain in the source aquifer are as follows:

Certificate	Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
98556	September 16, 2015, <i>plus one minute</i>	0.33	99.80
98658	July 27, 2018, <i>plus one minute</i>	0.14	32.78
Totals		0.47	132.58

(Finding of Fact #11 and #13).

25. This conservation project is for groundwater. Therefore, pursuant to OAR 690-018-0050(3)(f), no finding is necessary regarding consultation with the Departments of Fish and Wildlife, Environmental Quality, and Parks and Recreation.
26. Pursuant to ORS 537.470(3) and OAR 690-018-0050(3)(g), the amount of water allocated to the Applicant does not need to be adjusted because the Applicant funded 100% of the project. (Finding of Fact #14). The rate and volume allocated to the Applicant is as follows:

Certificate	Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
98556	September 16, 2015, <i>plus one minute</i>	1.00	299.4
98658	July 27, 2018, <i>plus one minute</i>	0.41	98.34
Totals		1.41	397.74

(Findings of Fact #11 and #13).

27. The areas within which the conserved water is proposed to be used for out-of-stream uses are within:

Twp	Rng	Mer
10 S	2 W	WM
10 S	3 W	WM
11 S	2 W	WM
11 S	3 W	WM
12 S	2 W	WM
12 S	3 W	WM
12 S	4 W	WM
13 S	2 W	WM
13 S	3 W	WM
13 S	4 W	WM

(Finding of Fact #12). OAR 690-018-0050(3)(h).

28. The deadline for submitting a Request for Finalization is October 31, 2029. (Finding of Fact #17). OAR 690-018-0050(3)(i).
29. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #21). OAR 690-018-0050(3)(j).

Determination and Proposed Action

The project described in Allocation of Conserved Water Application CW-149, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. If protests are not filed pursuant to OAR 690-018-0050(9), the conserved water application will be approved.

If Allocation of Conserved Water Application CW-149 is approved, the Order Approving will include the following:

1. The proposed change will result in a reduced diversion for the uses allowed under the original water right. Findings of Fact #5 and #20.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #21.
3. The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #15 and #22.
4. The changes proposed in CW-149 are approved.
5. The quantities of water conserved and allocated are as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF	Percentage	Maximum Rate (CFS)	Max. Duty (Volume) AF
98556	25%	0.33	99.8	75%	1.00	299.4	100%	1.33	399.2
98658	25%	0.14	32.78	75%	0.41	98.34	100%	0.55	131.12
Totals		0.47	132.58		1.41	397.74		1.88	530.32

6. The right to the use of the water is restricted to beneficial use at the places of use described and is subject to all other conditions and limitations contained in Certificates 98556 and 98658 and any related decree.
7. Water Right Certificate 98556 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application, and a superseding Certificate will be issued for the existing use and place of use (described in Finding of Fact #6) at the reduced rate and duty as follows:

Use: IRRIGATION of 399.2 ACRES

Priority Date: SEPTEMBER 16, 2015

Rate: 1.34 CUBIC FEET PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-TWO HUNDRED NINTIETH (1/290) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.5 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation of 598.8 acre-feet per year.

Source: WELL 1 AND WELL 2 IN OAK CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	3 W	WM	35	SE SE	66	WELL 1 – 1179 FEET NORTH AND 39 FEET WEST FROM THE SE CORNER OF SECTION 35

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>DLC</i>	<i>Measured Distances</i>
11 S	3 W	WM	35	SE SE	66	WELL 2 – 11 FEET NORTH AND 39 FEET WEST FROM THE SE CORNER OF SECTION 35

Authorized Place of Use:

<i>IRRIGATION</i>						
<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>DLC</i>	<i>Acres</i>
11 S	3 W	WM	35	NE SW	67	31.6
11 S	3 W	WM	35	SE SW	67	32.2
11 S	3 W	WM	35	NE SE	67	11.0
11 S	3 W	WM	35	NW SE	67	39.5
11 S	3 W	WM	35	SW SE	67	38.7
11 S	3 W	WM	35	SE SE	66	29.7
11 S	3 W	WM	35	SE SE	67	6.9
12 S	3 W	WM	2	NE NE	37	32.0
12 S	3 W	WM	2	NE NE	38	7.2
12 S	3 W	WM	2	NW NE	38	40.4
12 S	3 W	WM	2	SW NE	38	34.9
12 S	3 W	WM	2	SE NE	37	29.3
12 S	3 W	WM	2	SE NE	38	6.2
12 S	3 W	WM	2	NE NW	38	33.5
12 S	3 W	WM	2	SE NW	38	26.1
<i>Total</i>						399.2

8. *Water Right Certificate 98658 is cancelled. A superseding Certificate will be issued for the existing use and place of use (described in Finding of Fact #7) at the reduced rate and duty as follows:*

Use: *IRRIGATION of 131.12 ACRES*

Priority Date: *JULY 27, 2018*

Rate: *0.67 CUBIC FOOT PER SECOND*

Limit/Duty: *The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-TWO HUNDREDTH (1/200) of one cubic foot per second and 1.5 acre-feet for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation of 196.68 acre-feet per year.*

Source: *A WELL IN OAK CREEK BASIN*

Authorized Point of Appropriation:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>DLC</i>	<i>Measured Distances</i>
12 S	3 W	WM	1	SE SE	57	1858 FEET SOUTH AND 4650 FEET EAST FROM THE W1/4 CORNER OF SECTION 1

Authorized Place of Use:

<i>IRRIGATION</i>							
<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>GLot</i>	<i>DLC</i>	<i>Acres</i>
12 S	3 W	WM	1	SW NE			5.07

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
12 S	3 W	WM	1	NE SE		57	19.00
12 S	3 W	WM	1	NW SE	2		26.69
12 S	3 W	WM	1	NW SE		57	8.20
12 S	3 W	WM	1	SW SE	3		20.49
12 S	3 W	WM	1	SW SE		57	13.21
12 S	3 W	WM	1	SE SE		57	22.55
12 S	3 W	WM	12	NE NE		57	8.84
12 S	3 W	WM	12	NW NE		57	7.07
Total							131.12

9. *Water use measurement conditions:*

- a. *The water user shall maintain the meters or measuring devices in good working order.*
- b. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

10. *All conserved water, both the Applicant's portion and the State's portion shall remain in the source aquifer until a Request for Finalization is submitted as follows:*

Certificate	Priority Date	Maximum Rate (cfs)	Maximum Duty (Volume) (AF)
98556	September 16, 2015, plus one minute	1.33	399.2
98658	July 27, 2018, plus one minute	0.55	131.12
Totals		1.88	530.32

Upon Filing the Request for Finalization:

11. *The project is complete, and no additional time is needed for finalization.*
12. *The Applicant's portion of conserved water (1.41 cfs, 397.74 AF) shall be used out-of-stream at a location within the area described below until such time a Notice of Use or Disposition is received pursuant to ORS 537.490 and OAR 690-018-0090:*

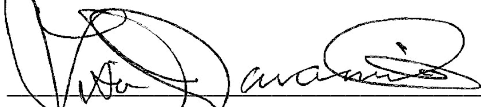
Twp	Rng	Mer
10 S	2 W	WM
10 S	3 W	WM
11 S	2 W	WM
11 S	3 W	WM
12 S	2 W	WM
12 S	3 W	WM
12 S	4 W	WM
13 S	2 W	WM
13 S	3 W	WM
13 S	4 W	WM

13. *Water use measurement conditions:*

- a. *Before the use of the Applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

14. *The State's portion of conserved water (0.47 cfs, 132.58 AF) shall remain in the source aquifer.*

Dated at Salem, Oregon June 29, 2026.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by August 14, 2026, and the Department does not withdraw this Proposed Final Order on or before September 16, 2026, this Proposed Final Order is a final order without any further action by the Department on September 16, 2026.

Protests and Requests for Party Status

The following sections explain how to: (1) file a protest in opposition to this Proposed Final Order to request a contested case hearing on this Proposed Final Order; and (2) file a request for party status to request to participate in any contested case proceeding in support of this Proposed Final Order.

Protests: Under the provisions of ORS 537.470(5) and ORS 536.077(1), any person may protest this Proposed Final Order. Protests may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline. Protests may be emailed to will.d.davidson@water.oregon.gov, but payment of Protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Protests and protest fees must be received by the Water Resources Department no later than **August 14, 2026**.

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonably available arguments that support the protestant's position;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

Requests for Party Status: Under the provisions of ORS 537.470(5) and ORS 536.077(2), if this Proposed Final Order is protested, any person who supports this Proposed Final Order may file a request for party status to request to participate in any contested case proceeding on the Proposed Final Order or for judicial review of a final order resulting from the Proposed Final Order. There is no need for the applicant to file a request for party status. The applicant will automatically be a party to any contested case proceeding on this Proposed Final Order. Requests for party status must be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you submit a request for party status by U.S. mail, please consider mailing early to ensure the Department receives the request by the deadline. Requests for party status may be emailed to will.d.davidson@water.oregon.gov, but payment of request for party status fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Requests for party status and request for party status fees must be received by the Water Resources Department no later than **September 14, 2026**.

Requests for party status must be in writing and include the following:

- Names, addresses, and email addresses (if any) of the requestor and any organization the requestor represents;

- Name, address, and email address of the requestor's attorney, if any;
- A statement of whether the request is for participation as a party or a limited party, and, if as a limited party, the precise area or areas in which participation is sought;
- If the requestor seeks to protect a personal interest in the outcome of any contested case hearing on the Proposed Final Order, a detailed statement of the requestor's interest, economic or otherwise, and how such interest may be affected by the results of the hearing;
- If the requestor seeks to represent a public interest in the results of any contested case hearing on the Proposed Final Order, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the hearing, and the requestor's qualifications to represent such public interest;
- A statement of the reasons why existing parties to the proceeding cannot adequately represent the private and/or public interest(s) the requestor seeks to represent; and
- The request for party status fee of \$1,425 required by Oregon Laws 2025, chapter 575, section 3a(2)(b)(C) and ORS 536.050.

After the deadline for requests for party status, the Department will provide copies of any timely requests for party status, accept responses to requests for party status, and consider and rule on timely requests for party status as provided in OAR 690-002-0225.

Additional Notices

Notice of requirement to provide updated contact information: Parties must timely provide the Department with updated contact information, including any change of address or primary means of electronic communication. The contact information provided in the protest or request for party status, as applicable, is presumed to be valid for the purposes of service and notification of upcoming referral to the Office of Administrative Hearings unless timely updated by the party. OAR 690-002-0081.

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 690-002-0235; OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted

relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: 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. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or a request for party status, or if you have previously filed a protest or a request for party status and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.