



### **FINDINGS OF FACT**

1. On October 13, 2022, T & K Sester Family, LLC submitted an application for a permit to store water pursuant to ORS 537.409.

**Storage Volume:** 37.5 ACRE-FEET

**Dam Height:** 9.9 FEET

**Source:** RUNOFF, TRIBUTARY TO NOYER CREEK; NOYER CREEK, TRIBUTARY TO DEEP CREEK

**County:** CLACKAMAS COUNTY

**Reservoir Location:** SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST, W.M.

2. The required examination fees were paid, and the minimum application requirements were met.
3. On October 25, 2022, the Department provided public notice of the application in the Department's weekly public notice. A 60-day comment period followed.
4. The Department did not receive public comment related to the possible issuance of the attached permit.
5. An assessment of water availability at 50% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established that water is available November 1 through June 30 of each year for the proposed use.
6. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, if limited to December 1 through June 30, and as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.
7. The Department has determined that the proposed use, as conditioned, will not injure other water rights.
8. The Department has determined that the proposed source has not been withdrawn from further appropriation under ORS Chapter 538.
9. The proposed reservoir is not prohibited under ORS 390.835.

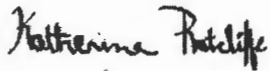
### **CONCLUSIONS OF LAW**

1. Application R-89281 contains the information required by ORS 537.409(1)-(3).
2. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.409.

ORDER

Application R-89281 is approved and Permit R-15574 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on MAR 3 1 2023



Katherine Ratcliffe  
Water Rights Section Manager, for  
Douglas E. Woodcock, Acting Director  
Oregon Water Resources Department

If you have questions about statements contained in this document, please contact Dianna Brainard at [dianna.j.brainard@water.oregon.gov](mailto:dianna.j.brainard@water.oregon.gov) or 971-375-1602.

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.