

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

Water Right Application S-89373 in the)
name of FLYING FEATHER ORCHARDS INC.)
)

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 June 21, 2023, Flying Feather Orchards Inc. submitted an application for a water-use permit pursuant to ORS 537.147:

Source: TANGEN RESERVOIR, CONSTRUCTED UNDER PERMIT R-958, AND DAVIS RESERVOIR, CONSTRUCTED UNDER PERMIT R-1292, TRIBUTARIES TO CHEHALEM CREEK

Use: IRRIGATION OF 209.0 ACRES

Volume: 34.4 ACRE-FEET (AF), BEING 25.0 AF FROM TANGEN RESERVOIR, AND 9.4 AF FROM DAVIS RESERVOIR

Period of Use: MARCH 1 THROUGH OCTOBER 31

County: YAMHILL COUNTY

Place of Use: SECTIONS 11 AND 12, TOWNSHIP 3 SOUTH, RANGE 3 WEST, W.M.

2. The required examination fees were paid, and the 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 June 27, 2023, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
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.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than 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 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.

6. On August 8, 2023, the Department received an affidavit for voluntary cancellation of the entirety of Certificate 95697. Certificate 95697 allows for the use of 25.0 acre-feet of water from Tangen Reservoir, constructed under Permit R-958, and 9.4 acre-feet of water from Davis Reservoir, constructed under Permit R-1292. Cancellation of Certificate 95697 will result in this 34.4 acre-feet of water being eligible for allocation under Application S-89373. The Department will issue a separate order canceling Certificate 95697 concurrently with issuance of this final order and permit for application S-89373.

CONCLUSIONS OF LAW


1. Application S-89373 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-89373 is approved and Permit S-55486 is issued as limited by the conditions contained therein.

SEP 29 2023

DATED _____



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 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.