

Water Right Application R-88160 in the name)
of GWENN IOTT) FINAL ORDER
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Authority

The Department's main page is: www.oregon.gov/OWRD

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

1. On December 29, 2015, Gwenn Iott submitted an application to the Department for a water use permit.
2. On February 13, 2018, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed March 30, 2018, and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein with the following modifications. These corrections and additions are necessary to accurately reflect the recommendations of the Division 33 Interagency Review Team and the Department's continuing evaluation of Dam and Reservoir Conditions.

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. Only the applicant or protestant may appeal this order. (ORS 537.170(7)(b); ORS 537.625(2)(b)).

Under the provisions of ORS 537.170(7)(a) and ORS 537.625(2)(a), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

- a. Finding of Fact #15 of the Proposed Final Order incorrectly identifies that the Interagency Review Team did not recommend conditions. The Finding of Fact #15 is replaced with the following to accurately reflect the recommendations of the review team.

The interagency review team was convened to review the application and recommended conditions as necessary to achieve the standards listed in OAR 690-033-0330(2)(a) and (b). As a result of this review, water may only be appropriated for storage from November 1 through May 31, and permit conditions have been included in the draft permit.

The attached permit has been corrected to indicate that WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31.

- b. The following conditions under “Dam Conditions” have been removed from the attached permit because the dam is already built, and this application does not propose to enlarge the existing dam.

All construction shall be performed under the supervision by the engineer of record. If the engineer of record cannot supervise construction, the Water Resources Department dam safety engineer must be notified in writing, prior to construction activity, with the name of the engineer supervising construction.

No embankment fill shall be placed until preparation of the foundation and the excavation of the core trench has been completed and examined in entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

The constructed works shall conform to the approved plans and specification on file with the Water Resources Dam Safety program. The engineer of record shall notify the Water Resources Dam Safety program before making any significant change to the approved design prior to or during construction.

No water shall be stored until the Water Resources Department receives written confirmation from the engineer of record that construction has been completed in accordance with the approved plans and specifications. Or, if final construction deviates from the approved design a set re producible as constructed drawings, including a revised reservoir capacity graph or table, must accompany the engineer’s letter of completion.

- c. The following condition has been added under “Dam Conditions” on the attached permit.

Failure to comply with any portion of Oregon Revised Statue 540.443 through 540.491 and Oregon Administrative Rules Chapter 690 Division 20 may result in action including, but not limited to, restrictions on use, civil penalties, or cancellation of the permit.

- d. The following “Reservoir Conditions” have been added to the attached permit.

The permittee shall pass all live flow outside the storage season described above.

The Director may require the user to measure inflow and outflow, above and below the reservoir respectively, to ensure that live flow is not impeded outside the storage season. Measurement devices and their implementation must be acceptable to the Director, and the Director may require that data be recorded on a specified periodic basis and reported to the Department annually or more frequently.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

This permit allows an annual appropriation (not to exceed the specified volume). This permit does not provide for the appropriation of water for out-of-reservoir uses, the maintenance of the water level or maintaining a suitable freshwater condition. If any water is to be used for out-of-reservoir purposes, a secondary water right is required. If any additional live flow is to be appropriated to maintain either the water level or a suitable freshwater condition, an additional water right is required.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order are incorporated herein.
2. The proposed use, as conditioned, would not impair or be detrimental to the public interest.

NOTE: When issuing permits, ORS 537.170(6) authorizes the Department to include provisions or restrictions concerning the use, control and management of the water to be appropriated for the project.

ORDER

Application R-88160 is approved, and Permit R-15592 is issued.

DATED MAY 16, 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact Adam Frederick at Adam.M.Frederick@water.oregon.gov or 971-707-8400.
 - 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.
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