

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

Water Right Application S-88506 in the name)
of JOINT WATER COMMISSION) FINAL ORDER INCORPORATING SETTLEMENT
) AGREEMENT

Summary: Order approving Application S-88506, as amended, and issuing Permit S-55563.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.153 through 537.175, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 33, 300, 310, 400, 410, and the Willamette Basin Program (OAR 690-502). These statutes and rules can be viewed on the following website: www.oregon.gov/OWRD/programs/policylawandrul

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 January 31, 2018, the Joint Water Commission filed a complete application with the Department for a water use permit. The application demonstrates that the applicant is not requesting to divert additional water from the authorized point of diversion on the Tualatin River beyond the rate authorized by its existing water rights. The applicant requested that the proposed use in combination with Permit S-54737, which authorizes use of up to 75.0 CFS, be limited to a total of 75.0 CFS.
2. On June 10, 2019, the applicant requested to remove the months of October, November and May from the proposed season of use.
3. On April 27, 2021, the Department issued a Proposed Final Order (“PFO”) proposing to approve the requested use of water with a period of use from December 1 through April 30 of each year.
4. The findings of fact in the PFO are incorporated herein with the following amendments and additions.

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.

5. On June 11, 2021, WaterWatch of Oregon (“WaterWatch”) filed a timely protest to the PFO.
6. On September 5, 2025, the Joint Water Commission, the Department and WaterWatch entered into a settlement agreement to resolve WaterWatch’s protest. Permit conditions agreed to pursuant to the Settlement Agreement are incorporated as permit conditions in the permit issued by this Final Order. The Settlement Agreement is incorporated into and attached to this Final Order.

CONCLUSIONS OF LAW

1. The proposed use, as conditioned, would not impair or be detrimental to the public interest as described in ORS 537.153(2). The Joint Water Commission, the Department and WaterWatch have agreed to the permit conditions set forth in the permit.

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 S-88506, as amended, is approved, and Permit S-55563 is issued.

DATED SEPTEMBER 19, 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 Will Davidson at will.d.davidson@water.oregon.gov or 503-507-2749.
 - 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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In the Matter of Water Right Application	)	
S-88506 in the name of	)	
	)	
JOINT WATER COMMISSION,	)	SETTLEMENT AGREEMENT
<i>Applicant,</i>	)	
and	)	
	)	
WaterWatch of Oregon, Inc.	)	
<i>Protestant.</i>	)	

The Oregon Water Resources Department (“OWRD”), the Joint Water Commission (“JWC” or “Applicant”) and WaterWatch of Oregon, Inc. (“WaterWatch” or “Protestant”), collectively, “the Parties”, do hereby stipulate and agree in this Settlement Agreement including Attachment 1 as follows:

A. RECITALS

1. On January 31, 2018, OWRD received an application from the JWC for a permit authorizing the use of water from the Tualatin River, a tributary to the Willamette River, for municipal use at a rate of 44 cubic feet per second (“cfs”) between October 1 through May 31 of each year, to be used within the Tualatin Valley Water District Service Area, Beaverton City Limits, Forest Grove City Limits, and Hillsboro City Limits.
2. On June 1, 2018, OWRD mailed the JWC a notice of Initial Review, making a preliminary determination that 44 cfs of water from Tualatin River for municipal use was allowable December 1 through April 30 of each year. On June 10, 2019, the JWC requested to remove the months of October, November and May from the proposed season of use in response to OWRD’s Initial Review.
3. On April 27, 2021, OWRD issued a Proposed Final Order (“PFO”) proposing to approve the requested use of water with a period of use from December 1 through April 30 of each year.
4. On June 11, 2021, WaterWatch filed a timely protest to the PFO (“Protest”).
5. JWC and WaterWatch entered a separate, private agreement to resolve disputes related to this matter (“JWC/WaterWatch Agreement”). OWRD has not agreed to the JWC/WaterWatch Agreement, and the JWC/WaterWatch Agreement is not incorporated in this Agreement, the Final Order Incorporating Settlement Agreement to be issued pursuant to this Agreement, or the permit to be issued pursuant to this Agreement. OWRD is not responsible for enforcing or effectuating any portion of the JWC/WaterWatch Agreement, and the JWC/WaterWatch Agreement is not an existing water right of record or a relative

entitlement to water as those terms are used in ORS 540.045. Compliance with the JWC/WaterWatch agreement will not be considered in determining whether a water right certificate should be issued based on the appropriation of water under the permit to be issued pursuant to this Agreement.

6. The Parties have agreed this protest shall be settled on the following terms:

B. AGREEMENT

1. The “Effective Date” of this Agreement is the date on which all parties have executed this Settlement Agreement.
2. Within twenty (20) business days the Effective Date, OWRD shall issue a Final Order Incorporating Settlement Agreement issuing a permit for Application S-88506 that is consistent with the Draft Permit To appropriate The Public Waters and the draft Final Order Incorporating Settlement Agreement for Application S-88506, both included in Attachment 1. The Final Order shall be issued with this Settlement Agreement attached.
3. Upon OWRD’s issuance of a Final Order Incorporating Settlement Agreement and permit consistent with paragraph B.2 of this Agreement, by operation of this Agreement and without the need for further action by WaterWatch, WaterWatch’s Protest shall be of no further force or effect.
4. The Parties understand and agree that this Agreement, including Attachment 1, sets forth the entire Agreement that includes all parties being OWRD, JWC, and WaterWatch.
5. Each Party hereby waives its respective rights to petition for reconsideration or petition for judicial review of the Final Order Incorporating Settlement Agreement if such Final Order substantially conforms to the draft Final Order Incorporating Settlement Agreement for Application S-88506 included in Attachment 1.
6. Notwithstanding any other term of this Agreement, any Party may petition OWRD to correct any scrivener’s error in the Final Order Incorporating Settlement Agreement.
7. This Agreement is made upon the express understanding that it constitutes a negotiated resolution. No Party shall be deemed to have approved, admitted, accepted, or otherwise consented to any principle or legal interpretation underlying or supposed to underlie the contents of the Agreement. Nothing in this Agreement is intended or shall be construed as a precedent with regard to any other proceeding. This Agreement shall not be offered against any Party as argument, admission or precedent in any arbitration, litigation or other

administrative or legal proceeding that does not involve or relate to the Agreement, or the Final Order Incorporating Settlement Agreement.

8. Each Party reserves all claims, rights, and responsibilities, which it may otherwise have with respect to any subject not within and encompassed by the Agreement.
9. Nothing in this Agreement is intended to determine or warrant the outcome of subsequent proceedings.
10. Each Party hereby represents, warrants, and agrees that the person who executes this Agreement on the Party's behalf has the full right and authority to bind that Party to the terms of this Agreement.
11. Each Party hereby certifies it has had a reasonable opportunity to review and request changes to this Agreement, and that it has signed this Agreement of its own free will and accord.
12. This Settlement Agreement, including all permit conditions contained in the Final Order Incorporating Settlement agreement, is binding upon each Party's agents, successors in interest and assigns.
13. This Settlement Agreement may be signed in counterparts.

[SIGNATURE PAGE ON FOLLOWING PAGE]

OREGON WATER RESOURCES DEPARTMENT

Katherine Ratcliffe

By: Katherine Ratcliffe

Date: 9/5/2025

JOINT WATER COMMISSION

By: _____

Date: _____

WATERWATCH OF OREGON, INC.

By: _____

Date: _____

OREGON WATER RESOURCES DEPARTMENT

By: _____

Date: _____

JOINT WATER COMMISSION

General Manager

DocuSigned by: _____

By: Mei Iverson
801EBB13C37F47D...

Date: 8/26/2025

WATERWATCH OF OREGON, INC.

By: _____

Date: _____

OREGON WATER RESOURCES DEPARTMENT

By: _____

Date: _____

JOINT WATER COMMISSION

By: _____

Date: _____

WATERWATCH OF OREGON, INC.

 _____

By: Neil Brandt, Executive Director

Date: 8/20/2025

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

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ORDER

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DATED _____

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

-
- If you have any questions about statements contained in this document, please contact Will Davidson at will.d.davidson@water.oregon.gov or 503-507-2749.
 - 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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DRAFT**This is not a permit.****DRAFT**

STATE OF OREGON

COUNTY OF WASHINGTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOINT WATER COMMISSION
150 E MAIN ST
HILLSBORO OR 97123

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-88506

SOURCE OF WATER: TUALATIN RIVER, TRIBUTARY TO WILLAMETTE RIVER

PURPOSE OR USE: MUNICIPAL USE

MAXIMUM RATE: 44.0 CUBIC FEET PER SECOND, LIMITED TO MAKING UP FOR A DEFICIENCY OF SUPPLY AVAILABLE UNDER PERMIT S-54737 OR SUBSEQUENT CERTIFICATE(S)

THE USE OF WATER UNDER THIS PERMIT, IN COMBINATION WITH ANY USE OR UTILIZATION OF PERMIT S-54737, SHALL NOT EXCEED A TOTAL OF 75.0 CUBIC FEET PER SECOND.¹

PERIOD OF USE: DECEMBER 1 THROUGH APRIL 30

DATE OF PRIORITY: JANUARY 31, 2018

AUTHORIZED POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	3 W	WM	8	SW SW	500 FEET NORTH AND 410 FEET EAST FROM SW CORNER, SECTION 8

AUTHORIZED PLACE OF USE:

WITHIN TUALATIN VALLEY WATER DISTRICT SERVICE AREA, BEAVERTON CITY LIMITS, FOREST GROVE CITY LIMITS, AND HILLSBORO CITY LIMITS

¹ As used in this sentence, "use" includes but is not limited to municipal use or as mitigation to offset or mitigate any use or impact, including but not limited to water quality or flow impacts, through any mechanism, including but not limited to a water right transaction, contract, forbearance agreement, or voluntary cancellation. As used here, "Voluntary cancellation" means the process in which the permittee voluntarily cancels a portion of Permit S-54737 or this permit to offset another water use or for mitigation. As used in this sentence, "this permit" and "permit S-54737" include any and all subsequent permits, transfers, or certificates issued to represent the water right represented by the original permit.

PERMIT SPECIFIC CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

2. **Water Use Measurement, Recording, and Reporting:**

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. By March 31st of each year, the permittee shall notify the local watermaster of its intent to divert water under this permit during the month of April.
- E. By December 31 of each year, the permittee shall report to the local OWRD watermaster the maximum rate of diversion under this permit in combination with Permit S-54737 during the preceding water year (October 1 through September 30).
- F. The permittee will notify OWRD in writing within 7 days of initiating use of water under Permit S-54737, or entering into an agreement to use the permit to provide offset or mitigation. Sending the notification via email to the local watermaster meets this requirement.
- G. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

3. **Water Quality:**

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

4. **Limit Diversion:**

The permittee shall not divert water under this water use permit unless streamflow in the Tualatin River is at or above 904 cubic foot per second from April 1- April 30 measured in the Tualatin River at Gaging Station ID: USGS 14206500 TUALATIN RIVER AT FARMINGTON, OREG.

5. Fish Screening:

The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish & Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary or is exempted. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operation and maintenance standards. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.

STANDARD CONDITIONS

1. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
2. This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
3. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.
4. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

DEVELOPMENT AND COMPLETION TIMELINE REQUIREMENTS

1. Construction of the water system shall begin within twenty years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.
2. Complete application of the water shall be made within twenty years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
3. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____

DRAFT - THIS IS NOT A PERMIT

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

DRAFT