

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number S-69637

**Final Order**  
**Extension of Time for Permit Number S-50879**

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or 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.

**Application History**

Permit S-50879 was issued by the Department on February 16, 1990. The permit called for completion of construction by October 1, 1991 and complete application of water to beneficial use by October 1, 1992. On December 22, 2009 the Joint Water Commission submitted an updated application to the Department for an extension of time for Permit S-50879. In accordance with OAR 690-315-0050(2), on July 6, 2010 the Department issued a Proposed Final Order proposing to extend the time to complete construction and apply water to full beneficial use to October 1, 2071. The protest period closed August 23, 2010, in accordance with OAR 690-315-0060(1). No protest was filed. On August 23, 2010, WaterWatch of Oregon, Inc. filed a request for standing

At the time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

## CONDITIONS

1. **Development Limitations**

Diversion of any water under Permit S-50879 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit S-50879 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that are on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

2. **Conditions to Maintain the Persistence of Listed Fish**

A. **Minimum Fish Flows Needs**

Minimum fish flow needs on the Tualatin River as recommended by ODFW are in Table 1; flows are to be measured at the Golf Course gage (USGS No. 14204800, or its equivalent).

**Table 1**

<b>ODFW'S RECOMMENDED MINIMUM FISH FLOW NEEDS ON THE TUALATIN RIVER MEASURED AT GOLF COURSE GAGE #14204800</b>	
Month	Cubic Feet per Second
June 1 – September 30	No Withdrawal Permitted
October 1 – May 31	100 cfs

B. **Determining Water Use Reductions - Generally**

The use of the undeveloped portion of Permit S-50879 that impacts Tualatin River surface water and legally can be diverted must be reduced in proportion to the amount by which the flows shown in Table 1 are not met as calculated using ODFW's formula described in the PFO. The flows will be based on a seven-day rolling average of mean daily flows, and curtailment will be based on the remaining flows measured at the Golf Course gage, USGS No. 14204800, or its equivalent, as shown in Table 2.

Table 2. Calculated curtailment and resulting diversion for Permit S-50879 for different flows at the POD.(cfs).

Flow at POD	% Missed	Curtail	Diversion	Remaining Q*
200	0%	0.0	75.0	125.0
175	0%	0.0	75.0	100.0
170	5%	3.8	71.3	98.8
160	15%	11.3	63.8	96.3
150	25%	18.8	56.3	93.8
140	35%	26.3	48.8	91.3
130	45%	33.8	41.3	88.8
120	55%	41.3	33.8	86.3
110	65%	48.8	26.3	83.8
100	75%	56.3	18.8	81.3
95	80%	60.0	15.0	80.0
90	85%	63.8	11.3	78.8
85	90%	67.5	7.5	77.5
80	95%	71.3	3.8	76.3
75	100%	75.0	0.0	75.0

\*as measured at the Golf Course gage, USGS No.14204800

- C. Prior to diversion of any water under Permit S-50879, a permit amendment must be approved by the Department in accordance with ORS 537.211 to change the authorized point of diversion from the current authorized point of diversion on Scoggins Creek to the proposed point of diversion located downstream on the Tualatin River.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0080(3).

### Order

The extension of time for Application S-69637, Permit S-50879, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2071. The deadline for applying water to full beneficial use is extended to October 1, 2071.

DATED: September 9, 2010

E. Timothy Ward. for

Dwight French, Administrator of  
Water Rights and Adjudications  
for  
Phillip C. Ward, Director

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If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.

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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