

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number S-87762

Final Order

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, 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.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under 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 ORS 536.075 and OAR 137-004-0080 you may either petition 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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the Final Order is not subject to judicial review.

Application History

On November 2, 2011, McMinnville Water & Light, City of Dayton, City of Lafayette, and City of Carlton submitted an application to the Department for a water use permit.

The Department issued a Proposed Final Order on March 27, 2012. The protest period closed May 11, 2012, and no protest was filed.

On December 19, 2012, the application was assigned to Yamhill Regional Water Authority.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe two conditions of the permit.

The Proposed Final Order included the following conditions:

Within 5 years of permit issuance, the permit holder(s) shall submit a combined or individual Water Management and Conservation Plan(s) that include strategies supportive of mitigating heat impacts in the waters of the Yamhill and Middle Willamette subbasins. Should the permit holders form a regional entity, then the entity must submit such a plan by the same date. Examples of such strategies may include, but are not limited to, public education, water re-use and recycling, regulations that protect and retain riparian vegetation, riparian zone conservation easements, and active participation in riparian restoration projects.

The Director may approve an extension of the time line to complete the required Water Management and Conservation Plan(s). The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan(s) is/are not submitted within five years of permit issuance, unless an extension of that time has been approved.

The conditions are modified as follows:

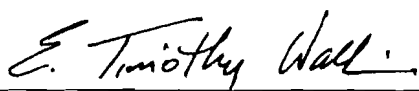
Within five years of permit issuance, the permit holder shall submit a Water Management and Conservation Plan that includes strategies supportive of mitigating heat impacts in the waters of the Yamhill and Middle Willamette subbasins. Examples of such strategies may include, but are not limited to, public education, water re-use and recycling, regulations that protect and retain riparian vegetation, riparian zone conservation easements, and active participation in riparian restoration projects.

The Director may approve an extension of the time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department. No water may be diverted if a Water Management and Conservation Plan is not submitted within five years of permit issuance, unless an extension of that time has been approved.

Order

Application S-87762 therefore is approved with the above modifications to the Proposed Final Order, and Permit S-54792 is issued as limited by the conditions set forth therein.

DATED January 17, 2013



E. Timothy Wallin, Water Rights Program Manager
for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.