

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

Water Rights Application
Number S-87964

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.

Findings of Fact

1. On March 11, 2014, City of Beaverton and Denny Doyle submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on January 6, 2015.
3. The protest period closed February 20, 2015, and no protest was filed.
4. The Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the streamflow requirements.

The Proposed Final Order and Draft Permit included the following condition:

Water shall only be diverted when the flows in the table below are met or exceeded on a 7-day rolling average at Willamette River at Salem, OR, USGS gage 14191000 (or a suitable replacement gage as approved by the Department):

Period	Flows in cubic feet per second
October 1 - 31	5,630
November 1 - March 31	6,000
April 1 - April 15	15,000 to 19,200
April 16 - April 30	17,000
May 1 - 31	15,000
June 1 - June 15	12,600
June 16 - June 30	8,500
July 1 - September 31	5,630

The condition is modified as follows:

Water shall only be diverted when the flows in the table below are met or exceeded on a 7-day rolling average at Willamette River at Salem, OR, USGS gage 14191000 (or a suitable replacement gage as approved by the Department):

Period	Flows in cubic feet per second
October 1 - 31	5,630
November 1 - March 31	6,000
April 1 - April 15	15,000
April 16 - April 30	17,000
May 1 - 31	15,000
June 1 - June 15	12,600
June 16 - June 30	8,500
July 1 - September 31	5,630

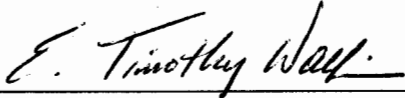
Conclusions of Law

1. The proposed use would not impair or be detrimental to the public interest pursuant to ORS 537.153(2).

Order

Application S-87964 therefore is approved with the above modifications to the Proposed Final Order, and Permit S-54923 is issued as limited by the conditions therein.

DATED April 17, 2015



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Kim French. 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 503-986-0816.

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.