

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

Water Rights Application
Number R-87950

Superseding Final Order

Hearing and Appeal Rights

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 December 31, 2013, Jensen Holdings LLC submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on January 20, 2015. The protest period closed March 6, 2015, and no protest was filed.
3. The Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the Measurement, Recording and Reporting condition.

The Proposed Final Order described the condition as:

Measurement devices, and recording/reporting of annual water storage conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as approved by the Director, 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 stored each month, and shall submit a report which includes water-storage 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. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The condition on the attached permit is:

Measurement devices, and recording/reporting of annual water storage conditions:

- A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. 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 stored each month, and shall submit a report which includes water-storage 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. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
- 4. On March 18, 2015, the Department issued a Final Order approving Application R-87950 and Permit R-15105.
 - 5. Subsequently, the Department determined that this may be a high hazard dam, therefore an inundation analysis must be

submitted by the applicant for review prior to permit issuance.

Conclusions of Law

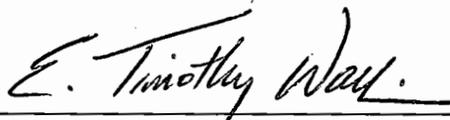
1. The proposed use would not impair or be detrimental to the public interest pursuant to ORS 537.153(2).

Order

This Order and Permit R-15231 supersede the March 18, 2015 Final Order for Application R-87950 and Permit R-15105, which are of no further force or effect.

Application R-87950 therefore is approved with the above modifications to the Proposed Final Order, and Permit R-15231 is issued as limited by the conditions therein.

DATED *JUNE 21 2017*



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 can be reached at 503-986-0816 or kim.r.french@oregon.gov.

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.