Oregon Water Resources Department Water Right Services Division

Water Right Application S-88289 in the)	FINAL ORDER
name of PORT OF MORROW)	
)	

Summary: Order approving Application S-88289 and issuing Permit S-55192

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 Columbia River Basin Program (OAR 690-519-0000). These statutes and rules can be viewed on the Oregon Water Resources website: http://www.oregon.gov/owrd/pages/law/index.aspx

The Department's main page is http://www.oregon.gov/OWRD/pages/index.aspx

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-310-0170 to 0190.

FINDINGS OF FACT

The findings of fact in the Proposed Final Order issued January 16, 2018 are incorporated herein:

- 1. On September 12, 2018, Port of Morrow submitted an application to the Department for a water use permit.
- 2. The Department issued a Proposed Final Order on January 16, 2018.
- 3. The protest period closed March 2, 2018, and no protest was filed.
- 4. On May 3, 2018, the Department approved instream lease number IL-1661 which leases 39.3 CFS of water from Certificate 93670 into the Columbia River, 11.0 CFS of which serves as the initial mitigation required for permit issuance.
- 5. The Proposed Final Order required documentation to confirm that permit conditions 1A, 5, and 11 have been satisfied prior to permit issuance. Documentation has been provided for conditions 5 (fish screens) and 11 (mitigation), and a portion of condition 1A (flow meter with telemetry). Condition 1A of permit requires a totalizing flow meter with telemetry must be installed and approved by the Watermaster prior to water use.

Appeal Rights

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.

CONCLUSIONS OF LAW

The conclusions of law in the Proposed Final Order issued January 16, 2018 are incorporated herein.

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. Permit S-55192 is conditioned accordingly.

<u>ORDER</u>

Application S-88289 is approved with Permit S-55192.

DATED February 12th, 2019

Dwight French

Water Right Services Division Administrator, for

Thomas M. Byler, Director

Oregon Water Resources Department

[•] If you have any questions about statements contained in this document, please contact Dwight French at 503-986-0819.

[•] 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