

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

In the Matter of Water Right Application R-88249 in)
the name of BOISE CASCADE WOOD)
PRODUCTS, LLC)
FINAL ORDER ON
RECONSIDERATION

The Oregon Water Resources Department issues its order on reconsideration. This order replaces the Final Order issued April 3, 2018.

FINDINGS OF FACT

1. On June 24, 2016, Boise Cascade Wood Products, LLC filed an application for a permit to store water, specifically, 90.0 acre-feet from wastewater and runoff, tributaries of Phillips Creek, in Union County.
2. In Finding of Fact #13 in the January 16, 2018 Superseding Proposed Final Order, the Department determined that the proposed reservoir was not constructed in accordance with Oregon Administrative Rule (OAR) 690-020-0023, in that, the dam designs, drawings, and specifications had not been submitted and approved by the Department.
3. On April 3, 2018, the Department issued a Final Order denying Application R-88268.
4. On May 10, 2018, the applicant filed a timely Petition for Reconsideration.
5. On July 2, 2018, the Department granted the petition.
6. A report prepared by McMillen Jacobs Associates, dated September 28, 2018, has been reviewed by the Department's Dam Safety Program. The Department has determined that the safety of the dam has been established and the dam meets regulatory standards under OAR 690-020, subject to maintenance and operating conditions. These conditions are described in the water use permit.
7. Therefore, the Department finds that the proposed use will not impair or be detrimental to the public interest, as provided in ORS 537.153.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

1. The proposed use, as conditioned, would not impair or be detrimental to the public interest.

NOTE: 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.

ORDER

Application R-88249 is approved and Permit R-15375 is issued.

DATED February 19th, 2019



Dwight French
Water Right Services Division Administrator
for Thomas M. Byler, Director
Water Resources Department

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- If you have any questions about statements contained in this document, please contact Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - 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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