

**OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION**

Water Right Application S-88750 in the name of HVR INC.) SUPERSEDING FINAL ORDER
) APPROVING THE USE OF
) STORED WATER

Authority

Oregon Revised Statute (ORS) 537.147 establishes the process by which an application to use stored water exclusively may be submitted. Oregon Administrative Rule (OAR) Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department’s procedures and criteria for evaluating applications to use stored water exclusively.

FINDINGS OF FACT

1. On February 12, 2019, HVR Inc. submitted an application for a water-use permit pursuant to ORS 537.147:

Volume	45.5 ACRE-FEET (AF)
Use	IRRIGATION OF 617.7 ACRES
Source	MARK OLSON RESERVOIR, CONSTRUCTED UNDER PERMIT R-10812, TRIBUTARY TO ASH SWALE
County	POLK COUNTY
Place of Use	SECTIONS 9 & 10, TOWNSHIP 6 SOUTH, RANGE 4 WEST, W.M.

2. The required examination fees were paid and minimum application requirements were met.
3. The Department has determined that the proposed use is an authorized use under the water right permit, certificate, or decree that allows the storage of water.
4. The Department provided public notice of the application in the Department's weekly public notice on February 26, 2019. A 30-day comment period followed.
5. The Department has not received public comments related to the possible issuance of the attached permit. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.
6. On March 10, 2020, the Department issued a Final Order approving Application S-88750 and Permit S-55208. Subsequently, the Department discovered Permit S-55208 erroneously omitted a measuring condition. The permit should be conditioned to require a measuring device as indicated in the attached permit.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a 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 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.

7. Accordingly, pursuant to OAR 137-004-0080 (5), a superseding Final Order and Permit will be issued.

CONCLUSIONS OF LAW

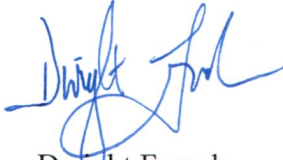
1. Application S-88750 is consistent with the requirements of ORS 537.147, and OAR Chapter 690.

ORDER

This Final Order and Permit supersede the March 10, 2020 Final Order and Permit S-55208, which are of no further force or effect.

Application S-88750 is approved and Permit S-55265 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on MAR 31 2020



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

If you have 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.