

Oregon Water Resources Department
Water Right Services Division

Water Right Application S-88820 in the)
name of BRIDGE CREEK RANCH LLC)
)

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. This application is being processed in accordance with ORS 537.147, OAR 690-310, OAR-690-340, and OAR Chapter 690, Division 93, which governs the Department's Water Supply Development Account.

FINDINGS OF FACT

1. On May 15, 2020, Bridge Creek Ranch LLC submitted an application for a water-use permit pursuant to ORS 537.147:
 - Volume:** 125.00 ACRE-FEET (AF), BEING 10.0 AF RELEASED INTO BEAR CREEK AND 115.0 AF RELEASED INTO BRIDGE CREEK
 - Use:** FISH LIFE
 - Period of Use:** JUNE 1 THROUGH SEPTEMBER 30
 - Source:** PAINTED HILLS RESERVOIR, CONSTRUCTED UNDER PERMIT R-15180, TRIBUTARY TO BRIDGE CREEK
 - County:** WHEELER COUNTY
 - Place of Use:** SECTION 25, TOWNSHIP 10 SOUTH, RANGE 20 EAST, W.M.
2. The required examination fees were paid and minimum application requirements were met.
3. Pursuant to OAR 690-093-0110(4)(a), this application was submitted to meet the instream dedication requirement with stored water releases that must be protected under a separate secondary water right.
4. Specifically, OAR 690-093-0110(4) provides that, a storage water right that is using stored water releases to meet the instream requirement shall be conditioned to achieve the following:
 - a. Meet the dedication requirement with stored water releases that are protected under a separate secondary water right;

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.

- b. Annually report, on a schedule determined by the Department, the maximum volume of newly developed water stored in the funded reservoir, including newly developed water present in the reservoir during the immediate past storage season. Twenty-five percent of this volume equals the dedication requirement;
 - c. If the dedication requirement is not fully met from other sources, the funded reservoir shall release and the Department shall protect the balance of the water necessary to meet the dedication requirement; and
 - d. Demonstrate that the dedication requirement has been met.
5. Permit S-55289 has been conditioned to achieve the standards in OAR 690-093-0110(4)(a)-(d).
 6. 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.
 7. On June 2, 2020, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
 8. The Department received comments from Oregon Department of Fish and Wildlife related to the possible issuance of the attached permit. The comments addressed conditions developed collaboratively between the applicant and the commenter. Therefore, the Department has determined that no public interest issues as identified in ORS 537.170(8) have been raised.

CONCLUSIONS OF LAW

1. Application S-88820 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-88820 is approved and Permit S-55289 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on OCT 28 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.