

Oregon Water Resources Department
Water Right Services Division

Water Right Application S-88806 in the)	FINAL ORDER
name of FARMERS IRRIGATION)	APPROVING THE USE OF
DISTRICT)	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 Program.

FINDINGS OF FACT

1. On February 12, 2020, Farmers Irrigation District submitted an application for a water-use permit pursuant to ORS 537.147, as follows:

- Volume:** 45.0 ACRE-FEET (AF)
- Use:** FLOW AUGMENTATION
- Source:** UPPER GREEN POINT RESERVOIR, CONSTRUCTED UNDER PERMIT R-15387, TRIBUTARY TO DITCH CREEK
- County:** HOOD RIVER COUNTY
- Place of Use:** DITCH CREEK – FROM UPPER GREEN POINT RESERVOIR (2 NORTH, 9 EAST, SECTION 22, W.M.) TO THE CONFLUENCE OF DITCH CREEK AND HOOD RIVER MAINSTEM (INSERT TRS OF THIS LOCATION)

- 2. 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.
- 3. Specifically, OAR 690-093-0110(4)(a) 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.
4. Application S-88806 has been conditioned to achieve the standards in OAR 690-093-0110(4)(a)-(d). The required examination fees were paid and minimum application requirements were met.
 5. 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.
 6. On March 3, 2020, the Department provided public notice of the application in the Department's weekly public notice. A 30-day comment period followed.
 7. 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.

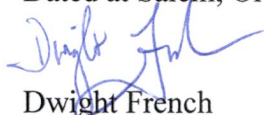
CONCLUSIONS OF LAW

1. Application S-88806 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

ORDER

Application S-88806 is approved and Permit S-55271 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon APR 09 2021



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

R 09 2021

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.

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