



### **FINDINGS OF FACT**

1. On May 19, 2021, Frank Foti and HOB LLC submitted an application for a permit to store water pursuant to ORS 537.409.

**Storage Volume:** 0.30 ACRE-FOOT

**Dam Height:** 8.0 FEET

**Source:** RUNOFF, TRIBUTARY TO BEAVER CREEK

**County:** YAMHILL COUNTY

**Reservoir Location:** SECTION 23, TOWNSHIP 3 SOUTH, RANGE 5 WEST, W.M.

2. The required examination fees were paid and minimum application requirements were met.
3. On June 8, 2021, the Department provided public notice of the application in the Department's weekly public notice. A 60-day comment period followed.
4. An assessment of water availability at 50% exceedance for the proposed use was completed using the Department's Water Availability Reporting System. A copy of this assessment is in the application file. This review is done consistent with OAR 690-410-0070(2)(a). The assessment established that water is available October 1 through through July 31 of each year for the proposed use.
5. The Department relies on the Oregon Department of Fish and Wildlife's review and recommendations in determining whether a proposed use would pose a significant detrimental impact to existing fishery resources. The Department has determined that, if limited to December 1 through May 31 and as conditioned, the proposed use will not pose a significant detrimental impact to existing fishery resources.
6. The Department received public comment from WaterWatch of Oregon related to the possible issuance of the attached permit. The Department considered the comments. The conditions recommended by Oregon Department of Fish and Wildlife are included in the attached permit.
7. The Department has determined that the proposed use, as conditioned, will not injure other water rights.
8. The Department has determined that the proposed source has not been withdrawn from further appropriation under ORS Chapter 538.
9. The proposed reservoir is not prohibited under ORS 390.835.

### **CONCLUSIONS OF LAW**

1. Application R-89112 is consistent with the requirements of ORS 537.409.
2. The proposed use would not impair or be detrimental to the public interest as described in ORS 537.409.

**ORDER**

Application R-89112 is approved and Permit R-15497 is issued as limited by the conditions contained therein.

Dated at Salem, Oregon on DEC 17 2021



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 503-979-3168.

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.