

- b. In Finding of Fact #2, the Proposed Final Order incorrectly cited the application of OAR 690-502-0100(4)(a) from the Initial Review as the basis for classifying (allowing) the storage of water. However, that rule does not apply to storage applications. The correct citation is OAR 690-502-0040(4)(a), which provides that the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30, unless expressly prohibited by statute, order or administrative rule.
- c. Reservoir Conditions #1 and #2 in the draft permit, pertaining to live flow water have been removed from the attached permit. Bailey Reservoir is an off-channel reservoir; therefore, measurement at the point of diversion is sufficient for protecting the public interest.
- d. Dam Conditions #3-#12 have been removed from the permit. Dam Condition #2 is sufficient for protecting the public interest.

CONCLUSIONS OF LAW

- 1. The conclusions of law in the Proposed Final Order are incorporated herein.
- 2. 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-88905, as amended, is approved and Permit R-15518 is issued.

DATED APR 01 2022



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon 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@water.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.
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