

CONCLUSIONS OF LAW

**Oregon Water Resources Department  
Water Right Services Division**

Water Right Application IS-88938 )  
in the name of Oregon Department of Fish & Wildlife ) **FINAL ORDER**

**Summary:** Order approving Application IS-88938 and issuing Certificate 96232.

**Authority:**

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.140 to 537.250, and 537.332 through 537.360, 537.017 and Oregon Administrative Rule (OAR) Chapter 690, Division 77, and the Rogue Basin Program (OAR 690-515). These statutes and rules can be viewed on following website: <http://www.oregon.gov/OWRD/programs/policyandrules/Pages.default.aspx>

The Department's main page is <https://www.oregon.gov/OWRD>.

This Final Order is issued pursuant to ORS 537.170(6) to (9) and OAR 690-077-0047.

**FINDINGS OF FACT**

1. On November 30, 2020, the Oregon Department of Fish & Wildlife submitted an instream water right application to the Department.
2. On January 4, 2022, the Department issued a Proposed Final Order recommending approval of the application. The protest period closed February 18, 2022 and no protest was filed.
3. The Department has found the proposed use complies with the standards set forth in ORS 543.017 or rules adopted by the Water Resources Commission under ORS 543.017 and does not impair and is not detrimental to the public interest as conditioned.
4. Pursuant to OAR 690-077-0015(4) the Department reduced the amount of water to the estimated average natural flow and pursuant to 690-077-0047(2) conditioned the water right.
5. The findings of fact in the Proposed Final Order are incorporated herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is a Final Order in other than 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 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.

**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 IS-88938 is approved and water right Certificate 96232 is issued.

DATED MAY 20 2022



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

- If you have any questions about statements contained in this document, please contact R. Craig Kohanek at [ron.c.kohanek@oregon.gov](mailto:ron.c.kohanek@oregon.gov) or 503-968-0823.
- 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.