

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application        )    **SUPERSEDING FINAL ORDER**  
T-8459, Josephine County                    )    **CONSISTENT WITH SPECIAL ORDER**  
  )    **VOLUME 93, PAGES 896 - 897**

**Authority**

ORS 183.482 establishes the process by which an order of the agency remanded by the courts shall be further acted upon under a correct interpretation of statutory provision.

**Applicant**

DUTCHER CREEK ENTERPRISES, INC.  
4611 UPPER RIVER ROAD  
GRANTS PASS, OR 97526

**Findings of Fact**

*Background*

1. Consistent with Special Order Volume 93, Pages 896 – 897, the Department is required to revisit the approval order (Special Order Volume 77, Pages 178 – 182) on Transfer Application T-8459 and any resulting remaining rights.
2. The Department has revisited the order and finds no changes in the order are required.
3. Remaining rights Certificates 85231 and 85232 should be re-issued.
4. All other terms and conditions of the order remain in force and effect.

**Conclusions of Law**


The approved changes as identified in Special Order Volume 77, Pages 178 – 182 having been re-visited are determined consistent with the opinion of the Supreme Court of the State of Oregon in the *Fort Vannoy Irrigation District v. Water Resources Commission* and the requirements of ORS 540.505 to 540.580.

**Now, therefore, it is ORDERED:**

1. All terms and conditions of Special Order Volume 77, Pages 178 – 182 remain in force and effect.
2. Certificates 85231 and 85232 are cancelled and will be superseded on a determination that it is necessary for record keeping.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, 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.

Dated at Salem, Oregon this 27 day of January, 2015.



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Dwight French, Water Right Services Administrator, for  
THOMAS M. BYLER, DIRECTOR

Mailing date: JAN 30 2015