## Oregon Department of Water Resources

In the Matter of a Request for	)	
Reconsideration of Certificate of	)	Superseding Final Order
Water Right Number 86119	)	in Other than a Contested Case

On March 16, 2010, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 86119. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Transfer 4738.

The Department is reconsidering the issuance of the above referenced certificate based upon a request for reconsideration by the certificate holder.

## FINDING OF FACT

- 1. Transfer 4738 was approved by an order of the Water Resources Director on November 23, 1981, approving changes in place of use and point of diversion allowing the use of water from the South Fork of the Crooked River for irrigation of 119.0 acres at a rate of 1.49 cubic feet per second (cfs).
- 2. Water Right Certificate 86119, describes a right to appropriate a total of 0.73 cfs from the South Fork of the Crooked River for irrigation of 58.0 acres located in Crook County, Oregon.
- 3. Water Right Certificate 86119 was dated, issued, and mailed to Ned & Dan Severance on March 16, 2010.
- 4. Water Right Certificate 86119 is a Final Order in Other than a Contested Case.
- 5. Within 60 calendar days after the date of the order, a person entitled to judicial review under ORS 183.484 of a final order in other than a contested case may file a petition for reconsideration of a final order in other than a contested case.
- 6. On May 14, 2010, the Department received a request for reconsideration of certificate 86119.
- 7. Special Order Volume 81, Pages 1-2, was issued to withdraw the certificate on June 4, 2010. The order misidentified the number of acres included in the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under 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 ORS 536.075 and OAR 137-004-0080 and OAR 690-01-005 you may either petition for judicial review petition the Director for reconsideration of this order.

## CONCLUSIONS OF LAW

OAR 137-004-0080 allows a person entitled to judicial review under ORS 183.484 of a final order in other than a contested case may file a petition for reconsideration of a final order in other than a contested case.

## **ORDER**

This order is issued to correctly describe the number of acres authorized under the certificate. Special Order Volume 81, Pages 1-2 is withdrawn and superseded.

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Number 86119. Final Order Certificate Number 86119 is of no further force or effect.

Issued JUN 1 7 2010

Dwight W Erench

Administrator Water Rights and Adjudications, for

Phillip C. Ward, Director

Oregon Water Resources Department