

Oregon Department of Water Resources

In the Matter of a Request for)
Reconsideration of Certificate of) Final Order in Other than a
Water Right No.'s 81419 and 81420) Contested Case

On July 14, 2005, the Water Resources Department (Department) issued Final Orders in Other than a Contested Case described as Certificate of Water Right Numbers 81419 and 81420. The Certificates describe the extent use of water, to the satisfaction of the Department, was perfected under the terms of Permit Numbers 24774 and 24775. The holders of the Permits and Certificates are Les Schwab Tire Center of Oregon and Big Summit Prairies Inc. Within 60 calendar days after the date of the order, any party may Request Reconsideration of a Final Order in Other than a Contested Case.

On August 1, 2005, Duane Clark agent for Les Schwab Tire Center of Oregon and Big Summit Prairies Inc., filed a Request for Reconsideration with the Department. The Request for Reconsideration asserts the Certificates omit land irrigated within the terms of the permits.

FINDINGS OF FACT

1. Permit No. 24774, was issued in approval of Application No. 30100 allowing for the use of up to 100.35 cubic feet per second (CFS) of water from North Fork Crooked River, Brush Creek, Johnson Creek, Cram Creek, Howard Creek, Indian Creek and tributary, Stump Creek Fox Creek and Elliot Creek and tributary for irrigation of 8027.5 acres of land on April 25, 1957.
2. Permit No. 24775, was issued in approval of Application No. 30754 allowing for the use 1825.0 acre-feet of water from Allen Creek Reservoir for supplemental irrigation of 14,048.9 acres of land on April 25, 1957.
3. Water Right Certificate No. 81419, describes a right to appropriate 96.69 CFS of water from North Fork Crooked River, Brush Creek, Johnson Creek, Cram Creek, Howard Creek, Indian Creek and tributary (Shady Creek), Stump Creek, Fox Creek, Elliot Creek and tributary (East Elliot Creek), Allen Creek, Springs and Seepage Areas and Peterson Creek, tributaries of Crooked River, for irrigation of 4290.1 Acres in Crook County, Oregon.
4. Water Right Certificate No. 81420, describes a right to appropriate 1460.7 acre feet of water from Allen Creek Reservoir, for irrigation of 4580.0 acres of land in Crook County, Oregon.

This is a final order 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

5. Water Right Certificate Numbers 81419 and 81420, were dated, issued and mailed to Les Schwab Tire Center of Oregon and Big Summit Prairies Inc. on July 14, 2005. Water Right Certificate Numbers 81419 and 81420 are Final Orders in Other than a Contested Case.
6. Upon the filing of a Petition for Reconsideration, the Department may, reconsider any Final Order in Other than a Contested Case.

ULTIMATE FINDINGS OF FACT

Water Right Certificate Numbers 81419 and 81420 are Final Orders in Other than a Contested Case. A Petition for Reconsideration was filed with the Department within 60 days from the date of the Final Orders.

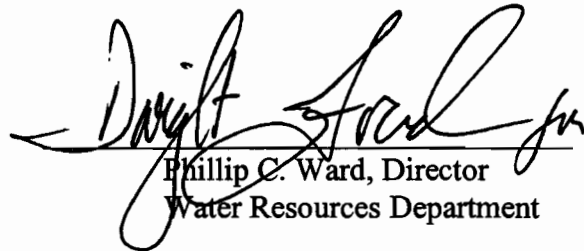
CONCLUSIONS OF LAW

Oregon Administrative Rule 137-004-0080 allows the Department to file Requests for Reconsideration of Final Orders in Other than Contested Case and to grant reconsideration of a Final Order.

ORDER

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Numbers 81419 and 81420 in the name of Les Schwab Tire Center of Oregon and Big Summit Prairies Inc, and the Final Order Certificate Numbers 81419 and 81420 are of no force or effect.

Dated this 27th, day of September 2005.


Phillip C. Ward, Director
Water Resources Department