BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application T-11926, Marion County)	ORDER REVERTING POINT OF
)	APPROPRIATION

Authority

Oregon Administrative Rule (OAR) 690-380-6010(6) provides that a point of diversion or appropriation shall revert to the last authorized point of diversion or appropriation if the changes authorized under a transfer are not completed.

MAY 3 0 2024

Applicant

DITCHEN BERRY FARM LLC 9712 NUSOM RD SILVERTON, OR 97381

Findings of Fact

MAY 3 1 2024

- On August 25, 2014, DITCHEN BERRY FARM, LLC, filed an application to change the point of appropriation under Certificate 79717. The Department assigned the application number T-11926.
- On September 17, 2015, the Water Resources Department issued an order approving the proposed change in point of appropriation. The order was recorded in Special Order Volume 96, Pages 933-936.
- 3. On May 9, 2024, Will McGill, agent for applicant Keith Ditchen, notified the Department that the change authorized under T-11926 would not be completed and requested that the authorized point of appropriation revert back to the original point of appropriation.

Conclusion of Law

The reversion of the point of appropriation approved by Transfer Application T-11926 to the point of appropriation authorized under the water right prior to Transfer Application T-11926, is consistent with the requirements of OAR 690-380-6010(6). A superseding certificate for the right affected by the transfer shall be issued.

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, 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.

Now, therefore, it is ORDERED:

- 1. The point of appropriation authorized under Transfer Application T-11926 for the right described by Certificate 79717 is reverted to the point of appropriation authorized under the water right prior to the transfer.
- 2. A superseding certificate shall be issued to describe the water right reverted.

Dated in Salem, Oregon on

MAY 3 0 2024

Lisa J. Jaramillo Transfer and Conservation Section Manager for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR,

Oregon Water Resources Department

Mailing date:

MAY 3 1 2024