

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

In the Matter of Transfer Application)
T-13115, Harney County)
)
) FINAL ORDER WITHDRAWING AN
) APPLICATION FOR A CHANGE IN
) POINT OF DIVERSION TO REFLECT
) HISTORICAL USE

Authority

ORS 540.532 establishes the process in which a water right holder may submit a request for a change in point of diversion to reflect historical use under an existing water right. OAR Chapter 690-380-2120 implements the statute and provides the Department's procedures and criteria for evaluating historic point of diversion/appropriation transfer applications.

Applicant

HOTCHKISS CO., LLC
30552 HOTCHKISS LAND
BURNS, OR 97720-9406

Findings of Fact

1. On January 28, 2019, HOTCHKISS CO., LLC, filed a transfer application for authorization of an historic point of diversion under a decreed water right evidenced in the Silvies River Decree (1926) in Volume 9, Page 79. The Department assigned the application number T-13115.
2. Notice of the application for transfer was published on February 5, 2019, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On August 20, 2019 the Department contacted the agent for the applicant by phone and email, regarding deficiencies in the application and map, specifically the original point of diversion was not described in the application or identified on the map provided. The Department put forth a deadline of September 20, 2019, for the deficiencies to be resolved.
4. On September 24, 2019, the agent submitted amended application pages and map, satisfying the deficiencies.
5. On September 30, 2019, the Department notified the applicant that pursuant to OAR 690-380-2120(7) that a Transfer Application for a change in point of diversion to reflect historical use can only be requested by an individual meaning a natural person and does not include a government body, organization, business enterprise, or other such entity.

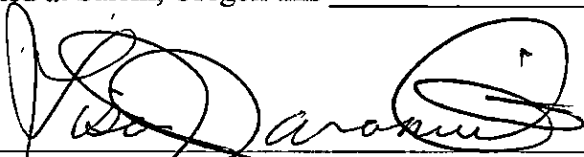
This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review 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.

6. On October 4, 2019, John Short, the agent for the applicant, submitted a written request by email on behalf of Hotchkiss Co, LLC., requesting that Transfer Application T-13115 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-13115 for authorization of an historic point of diversion, in the name of Hotchkiss Co., LLC is withdrawn and of no further force or effect.

Dated at Salem, Oregon this OCT 28 2019



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: OCT 28 2019