

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF A PETITION)
FOR RECONSIDERATION IN BEHALF)
OF J. W. AYLETT ON THE QUESTION)
OF DETERMINATION OF A CRITICAL)
GROUND WATER AREA IN THE)
ORDNANCE AREA -----)

ORDER
DENYING PETITION
FOR RECONSIDERATION

On June 1, 1976, Mr. Roy Kilpatrick filed a petition for reconsideration of certain portions of the Water Resources Director's order of April 2, 1976, determining the Ordinance critical ground water area on behalf of J. W. Aylett.


The petition has been considered and the points raised are not well taken.

Paragraph 11 of the Conclusions, which petitioner complains of, together with paragraph 4 of the order, provide that application No. G-5684 may be approved or withdrawn upon request of the applicant within 60 days of the date of the order. While its approval is little, if any practical value to the applicant, it can be had upon request.

Petitioners attempt to infuse approval of an application for changes in points of diversion under several rights is also not well taken. The application (File No. TR-2649) for changes in points of diversion under several rights is being considered on its own merits as provided by ORS 537.705, 540.520 and 540.530. These sections set forth the statutory procedure for the Director to approve changes in use, place of use, or point of diversion of ground water, and must be followed. Such procedures include publication of notice, hearing on the question, and finding that the change can be made without injury to existing rights.

NOW, THEREFORE, it is ORDERED that the petition for reconsideration is hereby denied.

Dated at Salem, Oregon this 30th day of June 1976.


JAMES E. SEXSON
Director