

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

ORDER RESCINDING SPECIAL ORDERS

Orders of the Water Resources Director were entered March 21, 1994, at Special Order Volume 48, Pages 143 and 145, canceling Transfers 6429 and 6434. The orders canceled the water right transfers and required the applicant to re-file for the changes in point of appropriation and point of diversion within five years, or the Department would initiate cancellation proceeding for the water rights.

On July 11, 1996, Oregon Administrative Rules were adopted which addressed this situation. OAR 690-15-090 says:

“(3) Non-completion of a change in point of diversion or point of appropriation does not forfeit the water use subject to transfer. However, upon expiration of the time allowed for completion, the use shall again become subject to forfeiture pursuant to the provisions of ORS 540.610.

“(a) A new application is required is required to change the point of diversion or point of appropriation to a new location not authorized by the order.

“(b) If the change in point of diversion or point of appropriation is not completed, the point of diversion or point of appropriation shall revert to the last authorized point of diversion or point of appropriation prior to the transfer.”

In accordance with the rules now in place, the water rights should not be canceled. The orders of the Water Resources Director requiring the Department to initiate cancellation proceedings should be rescinded and new water right certificates issued to confirm the water rights, including the last authorized points of diversion and point of appropriation.

The orders of the Water Resources Director, enter March 21, 1994, at Special Order Volume 48, Pages 143 and 145, are RESCINDED and of no further force or effect. New certificates will be issued confirming these water rights, including the last authorized points of diversion and point of appropriation.

WITNESS the signature of the Water Resources Director, affixed 4/2/98.



Martha O. Pagel, Director