BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

| In the Matter of Transfer Application |) | RECONSIDERATION OF FINAL |
|---------------------------------------|---|--------------------------|
| T-9274, Marion County, Oregon |) | ORDER AND WITHDRAWAL OF |
| |) | APPLICATION |

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications. OAR 137-044-0080 describes the process for reconsideration of an order in other than contested case.

Applicant

Koellmann Enterprises Ted Koellmann 14535 Spenner Road SE Stayton, Oregon 97383

Findings of Fact

- 1. The Department issued an order approving additional points of appropriation and a change in place of use under application T-9274 on November 29, 2004. The order is entered at Special Order Volume 62, Pages 284 to 287.
- 2. On January 27, 2005, the Department received a petition for reconsideration from the applicant and a written request to withdraw transfer application T-9274. The petition was filed within the 60-day period specified by ORS 183.484(2).

Now, therefore, it is ORDERED:

- 1. The order approving application T-9274 and entered at Special Order Volume 62, Pages 284 to 287 is withdrawn.
- 2. Transfer application T-9274, in the name of Koellmann Enterprises, is withdrawn and of no further force of effect.

This is a final order in other than 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 either 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.

3. Certificate 80999 is cancelled. A superseding certificate will be issued describing the right evidenced by Certificate 28361 which was cancelled through approval of application T-9274.

Dated at Salem, Oregon this 24th day of February, 2005.

Phillip C. Ward

Director

Mailing date: MAR 0 4 2005