

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

In the Matter of Certificate 80851; Special Order)	FINAL ORDER CANCELLING
Volume 57, Pages 893-901, Approving Transfer)	A CERTIFICATE, ISSUING A
T-6787; Special Order Volume 57, Pages 902-911,)	CORRECTING CERTIFICATE,
Approving Transfer T-6775; and Special Order)	AND RECONSIDERING AND
Volume 77, Pages 283-284, Cancelling a)	MODIFYING A CORRECTING
Certificate and Issuing a Correcting Certificate)	ORDER

Water Right Certificate Holders:

RICK L. HALE
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HERMISTON, OR 97838

DOUGLAS L. HALE
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ROBERT C. HALE
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Findings of Fact

1. Certificate 74897 was cancelled by Special Order Volume 57, Pages 902 - 911 approving Transfer Application T-6775, issued May 31, 2003. T-6775 approved changes in points of appropriation for a portion of Certificate 74897.
2. Certificate 74897 was also cancelled by Special Order Volume 57, Pages 893 – 901 approving Transfer Application T-6787, issued May 31, 2003. T-6787 approved changes in points of appropriation and place of use for the portion of Certificate 74897 not modified by T-6775.
3. On June 30, 2004, the Department received a letter from Bob Hale Jr., manager of Echo Irrigation District, stating that the District did not intend to submit a Claim of Beneficial Use for T-6775.
4. On July 26, 2004, the Department issued Certificate 80851 to revert the points of diversion approved under Transfer Application T-6775.
5. Certificate 80851 incorrectly included a description of the entire water right previously evidenced by cancelled Certificate 74897, instead of being confined to the portion of the right included in Transfer T-6775.

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 February 17, 2009, the Department issued a Final Order (Special Order Volume 77, Pages 283-284) cancelling Certificate 80851 and issuing superseding Certificate 85124 to correctly describe the water right for a non-completed change in point of appropriation under an order of the Water Resources Director approving Transfer Application T-6775 entered May 31, 2003, recorded in Special Order Volume 57, Pages 902-911.
7. Upon further review by the Department, it was discovered that a typographical error in the footer on page 2 of Special Order Volume 77, Pages 283-284, incorrectly identified the transfer application involved as being T-6777, rather than T-6775. This final order is issued to correctly describe the appropriate transfer application number involved.

Now, therefore, it is ORDERED:

1. Special Order Volume 77, Pages 283-284 is withdrawn and of no further force or effect and is superseded by this final order.
2. Certificate 80851 is cancelled and of no further force or effect.
3. Water Right Certificate 85124 is issued to supersede Certificate 80851, to correctly describe the water right for a non-completed change in point of appropriation under an order of the Water Resources Director approving Transfer Application T-6775 entered May 31, 2003, recorded in Special Order Volume 57, Pages 902-911.

Dated at Salem, Oregon this 17th day of March, 2009.


For Phillip C. Ward, Director

Mailing date: MAR 25 2009