

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

In the Matter of Cancellation of a Portion)	RECONSIDERATION OF A FINAL
of a Perfected and Developed Water Right)	ORDER RECORDED IN SPECIAL
Evidenced by Certificate in the Name of)	ORDER VOLUME 75 PAGES 169-170
Thomas & Janice Kohr)	CANCELING WATER RIGHT
)	CERTIFICATE 47201

Authority

ORS 540.621 directs the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right. OAR 137-004-0080 describes the process for reconsideration of an order in other than contested case.

Findings of Fact

1. On January 19, 2006, the Department received an affidavit from Thomas & Janice Kohr, 62817 Fruitdale Lane, La Grande, Oregon, stating they are the owner of lands and the water right appurtenant as evidenced by Water Right Certificate 47201. The affidavit further stated that a portion of the water right appurtenant to their property has been abandoned and requested the certificate be canceled. This affidavit was submitted in association with a conflict with water right application G-16602.
2. Pursuant to ORS 540.621 and OAR Division 690, Chapter 017, the Director issued an order on June 30, 2008, canceling water right Certificate 47201 and issuing remaining right Certificate 83444. The order is recorded in Special Order Volume 75, Pages 169-170.
3. On July 17, 2008, the Department received a request from Thomas & Janice Kohr that the order be reconsidered. The request indicated that the water right was no longer in conflict with Application G-16602, and therefore, the water right had not been abandoned.
4. The request for reconsideration was filed within the 60-day period specified in ORS 183.484.

This is an 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.

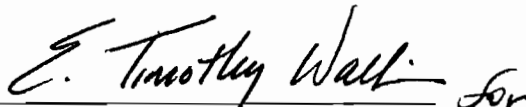
Conclusions of Law

Oregon Administrative Rule 137-004-0080 allows the petitioners to file Requests for Reconsideration of Final Orders in Other than Contested Case and allows the Department to grant reconsideration of the Final Order. The affidavit requesting cancellation of the water right was submitted in error. The water right should not be cancelled.

Now, therefore, it is ORDERED:

1. The order canceling the water right evidenced by Certificate 47201 recorded in Special Order Volume 75, Pages 169-170 is withdrawn and of no further force or effect.
2. The remaining right Certificate 83444 is cancelled and of no further force or effect.
3. The Department shall issue Certificate 84905, a new and superseding certificate, to describe the perfected and developed water right evidenced by Certificate 47201.

Dated this 14th day of September, 2008.


Phillip C. Ward
Director

Mailing date: October 7, 2008