

Oregon Department of Water Resources

In the Matter of a Request for)
Reconsideration of Certificates of) Final Order in Other than a
Water Right Number 82993) Contested Case

On February 9, 2007, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 82993. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Permit G-10394.

On April 9, 2007, the Department received a request from the permit holder, the Orchard Heights Water Association, in the form of a petition requesting reconsideration of the certificate.

The Department is reconsidering the issuance of the above referenced certificate because of the request made by the Association.

FINDING OF FACT

1. Permit Number G-10394 was issued in approval of Application Number G-10455 allowing the use of 0.33 cubic foot per second of water from Well 3 for group domestic use for 175 families including the irrigation of not to exceed one-half acre lawn and noncommercial garden for each family. The Permit was issued on July 19, 1984.
2. Water Right Certificate 82993, describes a right to appropriate a total of 0.045 cubic foot per second from Well 3 for 169 families including the irrigation of not to exceed one-half acre lawn and noncommercial garden for each family.
3. Water Right Certificate 82993 was dated, issued, and mailed to the Orchard Heights Water Association on February 9, 2007. Water Right Certificate 82993 is a Final Order in Other than a Contested Case.
4. Within 60 calendar days after the date of the order, the water user may petition the Director for reconsideration of the order.
5. A petition for reconsideration of the order may be granted by the Director within 60 days following the date the petition was filed.

ULTIMATE FINDINGS OF FACT

Water Right Certificate Number 82993 is a Final Order in Other than a Contested Case. Within 60 calendar days after the date of the order, the water user may request reconsideration of the final order.

The Director may grant a petition for reconsideration of the order within 60 days following the date the petition was filed.

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 and OAR 690-01-005 you may either petition for judicial review petition the Director for reconsideration of this order.

CONCLUSIONS OF LAW

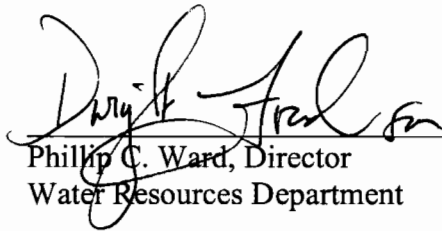
Oregon Administrative Rule 137-004-0080 allows the water user to request reconsideration of the final order.

Oregon Administrative Rule 137-004-0080 allows the Director to grant a petition for reconsideration of the final order.

ORDER

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Number 82993 in the name of the Orchard Heights Water Association and the Final Order Certificate Number 82993 is of no force or effect.

Dated this 13th day of April 2007.


Phillip C. Ward, Director
Water Resources Department