

Oregon Department of Water Resources

In the Matter of a Request for )  
Reconsideration of Certificate of )                      Final Order in Other than a  
Water Right Number 86044      )                      Contested Case

On January 29, 2010, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 86044. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Permit G-15347.

The Department is reconsidering the issuance of the above referenced certificate on it's own initiative because the water user has made it clear, by providing additional information, including a new map, that the number of acres confirmed needs to be adjusted.

FINDING OF FACT

- 1. Permit Number G-15347 was issued in approval of Application Number G-15781 allowing the use of the water from two wells in the Lost River Basin for supplemental. The Permit was issued on March 6, 2003.
- 2. Water Right Certificate 86044, describes a right supplemental irrigation of 855.93 acres in Klamath County, Oregon.
- 3. Water Right Certificate 86044 was dated, issued, and mailed to Driscoll Strawberry Associates, Inc. on January 29, 2010. Water Right Certificate 86044 is a Final Order in Other than a Contested Case.

CONCLUSIONS OF LAW

- 1. Oregon Administrative Rule 137-004-0080 allows that within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider the final order.


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.

ORDER

1. The Department hereby reconsiders and withdraws Final Order Water Right Certificate Number 86044 in the name of Driscoll Strawberry Associates, Inc. and the Final Order Certificate Number 86044 is of no force or effect.

Dated     **MAR 25 2010**    .

  
\_\_\_\_\_  
Dwight W. French  
Administrator Water Rights and Adjudications, for  
Phillip C. Ward, Director  
Water Resources Department