

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

In the Matter of Water Right Certificate 80565)
and Transfer Application T-7079) CORRECTING ORDER
)

Findings of Fact

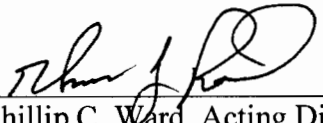
1. Pursuant to ORS 540.510 to 540.530, the Director issued a Final Order on January 20, 2004, that approved a change in place of use under Transfer Application T-7079. The order was recorded in Special Order Volume 59 at Page 108.
2. The Final Order approving T-7079 cited the water right subject to transfer as Water Right Certificate 75770. Certificate 75770 had previously been canceled by a Final Order approving Transfer Application T-7229 issued December 29, 2003.
3. The Final Order approving T-7229 canceled Water Right Certificate 75770 and authorized issuance of Water Right Certificate 80522 to describe the remainder of the water right that was not affected by the transfer. Thus, the water right subject to transfer under T-7079 was the right described by Water Right Certificate 80522 and not that described by Water Right Certificate 75770.
4. The Final Order approving T-7079 authorized issuance of Water Right Certificate 80565 to describe the remainder of the water right that was not affected by the transfer. Given the events described in findings 1 through 3, this certificate incorrectly describes the remainder of the right because it does not account for the changes made to the water right by T-7229.
5. T-7229 authorized a change in the place of use of 0.008 cubic feet per second (cfs) of water and 0.60 acre. Thus, the unaffected portion of the water right remaining following T-7079 should have been reduced by 0.008 cfs and 0.60 acre.

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| <p>NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.</p> |
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Now, therefore, it is ORDERED:

1. The order approving T-7079 is corrected to identify that the water right to be modified by the transfer is Water Right Certificate 80522.
2. Water Right Certificate 80565 is canceled.
3. The Department shall issue Water Right Certificate 81010 to correct and supersede Water Right Certificate 80565, and incorporate *Finding of Fact #5*.

Dated at Salem, Oregon this 24th day of November, 2004.



Phillip C. Ward, Acting Director