

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 89999) Contested Case

On March 20, 2015, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 89999. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Permit S-53356, Application S-73175.

The Department is reconsidering the issuance of the above referenced certificate on its own initiative because the order authorizing T-9318 indicated that a portion of Permit 53356 should not be perfected on acreage that overlaps with T-9318.

FINDING OF FACT

1. Permit Number S-53356 was issued in approval of Application Number S-73175 allowing the use of the waters of Calapooya Creek, tributary to Umpqua River, for primary irrigation. The Permit was issued on March 25, 1998.
2. Water Right Certificate 89999 describes a right to appropriate a total of 0.111 cubic foot per second (cfs) from Calapooya Creek, tributary to Umpqua River, for irrigation of 24.0 acres in Douglas County, Oregon.
3. Water Right Certificate 89999 was dated, issued, and mailed to Dale E Beattie and Barbara J Beattie on March 20, 2015. Water Right Certificate 89999 is a Final Order in Other than a Contested Case.
4. The Order approving Transfer Application T-9318 issued on July 21, 2004, includes the following condition: "Permit 53356 shall not be perfected on the overlapping acreage at time of proof."
5. Within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider the final order.

ULTIMATE FINDINGS OF FACT

Water Right Certificate Number 89999 is a Final Order in Other than a Contested Case. 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.

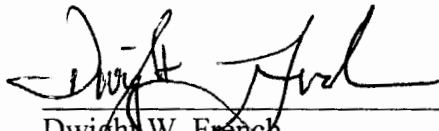
CONCLUSIONS OF LAW

Oregon Administrative Rule 137-004-0080 allows the Department to file Requests for Reconsideration of Final Orders in Other than Contested Case and to grant reconsideration of the Final Order.

ORDER

The Department hereby reconsiders and withdraws Final Order Water Right Certificate Number 89999 in the name of Dale E Beattie and Barbara J Beattie and the Final Order Certificate Number 89999 is of no force or effect.

Dated this 7 day of May 2015.



Dwight W. French
Water Right Services Division Administrator, *for*
Thomas M. Byler, Director
Oregon Water Resources Department