

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE REQUEST FOR)
RECONSIDERATION OF THE CANCELATION) ORDER
ORDER FOR PERMIT G-13037 AND THE)
REINSTATEMENT OF PERMIT G-13037)

This is a final order in other than 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 either 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.

Background

On March 29, 2007, the Department issued an order cancelling permit G-13037 (application G-12888) because the permit holder had failed to submit a Claim of Beneficial Use.

On April 9, 2007, the Department received a letter from Douglas MacDougal, representing Sierra Services Group LLC and its member, Mr. Jeff Carter, who previously owned the property subject to the water right. Mr. Carter sold the property to Mr. Steven deVries.

The letter from Mr. MacDougal, on behalf of his client and with the authorization of Mr. deVries, has requested that the Department reconsider its March 29, 2007 Final Order, and allow the submission of a Claim of Beneficial Use.

Findings of Fact

The Department did not receive a request to assign permit G-13037 to Mr. deVries, Sierra Services Group LLC, or its member, Mr. Jeff Carter.

The petitioners did not obtain previous notices regarding the need to submit a Claim of Beneficial Use or possible cancellation of permit G-13037.

Mr. Carter intends to have a Claim of Beneficial Use submitted to the Department for review.

A person entitled to judicial review under ORS 183.484 can file a request for reconsideration.
(OAR 137-005-0080)

The petitioners are affected or aggrieved by the Department's March 29, 2007 order because Mr. Carter and Sierra Services group have an interest in the property appurtenant to permit G-13037.

Conclusions of Law


The petitioners would be entitled to judicial review and can thus file a request for reconsideration. (ORS 184.484)

Order

NOW, THEREFORE, it is hereby ORDERED that the Department is reconsidering its March 29, 2007 final order cancelling permit G-13037, AND reversing that final order.

The Department will take no action to cancel permit G-13037 until after October 1, 2007, to allow the permit holder an opportunity to submit a Claim of Beneficial Use.

Dated at Salem, Oregon on May 7th, 2007.


Dwight French, Administrator, Water Rights and Adjudications Division, for
Phillip C. Ward, Director

PLACED IN U.S. MAIL MAY 07 2007
BY OREGON WATER RESOURCES DEPARTMENT