

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

In the Matter of Transfer Application T-7885, Baker County))))))	RECONSIDERATION OF A FINAL ORDER RECORDED IN SPECIAL ORDER VOLUME 121, PAGES 58-60, WITHDRAWING A FINAL ORDER AND ISSUING A SUPERSEDING FINAL ORDER REVERSING A LOSS OF RIGHT
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Authority

Oregon Administrative Rule 690-380-6010(2) provides that any part of a transferred water use that is not applied to beneficial use under the terms of the transfer order for change in use or place of use, or within any extension of time allowed for completion, is lost.

Applicants

WILSON CATTLE CO., INC.
P.O. BOX 209
NORTH POWDER, OR 97867

Findings of Fact

1. On December 11, 1997, WILSON CATTLE CO., INC. filed an application for an additional point of diversion, to change the points of diversion, and to change the place of use under Certificate 75629, to change the point of diversion and place of use under Certificate 83537, and to diminish a portion of Certificate 65929 to supplemental irrigation. The Department assigned the application number T-7885.
2. On November 6, 2008, Transfer Application T-7885 was approved and the order is recorded in Special Order Volume 76, Page 681. Certificates 75629 and 83537 were cancelled and the rights are considered inchoate.

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 137-004-0080, you may 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.

3. The final order set a date of OCTOBER 1, 2010 for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2011.
4. On November 23, 2020, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the rights involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on a Transfer is not received. The Department requested a response by December 24, 2020.
5. On November 30, 2020, the Department received the signed certified mailing card, but the Department did not receive any further response to the incomplete transfer.
6. As of April 16, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department, and the Department had also not received an Application for Extension of Time on a Transfer.
7. On July 20, 2021, the Department issued a Final Order (Special Order Volume 121, Page 58), approving a loss of right due to failure to apply water to beneficial use under the terms of an order approving T-7885.
8. On July 26, 2021, Zach Wilson of Wilson Cattle Company, submitted a Request for Reconsideration accordance with OAR 137-004-0080. The applicant indicated that due to personnel changes, the Claim of Beneficial Use (COBU) was not submitted timely. The applicant also indicated they are prepared to submit their COBU, as a Certified Water Rights Examiner has been hired for a site visit in August 2021.
9. On September 1, 2021, the Department issued a Notice of Reconsideration of Final Order on Transfer Application T-7885, to reverse the loss of right and to allow the applicant to submit the Claim of Beneficial Use.

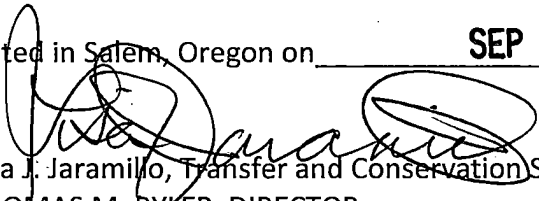
Conclusions of Law

The conclusions of law in the November 6, 2008 Final Order are incorporated herein.

Now, therefore, it is ORDERED:

This Final Order supersedes the July 20, 2021 Final Order, which is of no further force or effect.

Dated in Salem, Oregon on SEP 28 2021


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYER, DIRECTOR
Oregon Water Resources Department

Mailing date: SEP 29 2021