

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

In the Matter of Transfer Application T-7974,)
Baker County) RECONSIDERATION OF A FINAL
) ORDER RECORDED IN SPECIAL
) ORDER VOLUME 120, PAGES 539-
) 545, WITHDRAWING A FINAL ORDER

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.

Applicant

INMAN RANCH, LLC
2109 CASCADE COURT
ANACORTES, WA 98221

Findings of Fact

1. On April 3, 1998, John Inman and Roger Inman filed an application to change the place of use under Certificates 1463, 1498, 13542, 34740, 34741, 51497, 66286, 81738, and 81740. The Department assigned the application number T-7974.
2. On July 11, 2006, Transfer Application T-7974 was approved and the order is recorded in Special Order Volume 69, Page 65. Certificates 1463, 1498, 13542, 34740, 34741, 51497, 66286, 81738, and 81740 were cancelled and the rights are considered inchoate.
3. The Final Order set a date of OCTOBER 1, 2008 for the changes to be completed. The Claim of Beneficial Use was due OCTOBER 1, 2009.

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.

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 December 9, 2020, the Department received a signed certified mailing card, but the Department did not receive any further response to the incomplete transfer.
6. As of April 15, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water has been filed with the Department, and the Department has also not received an Application for Extension of Time on a Transfer.
7. On May 12, 2021, the Department issued a Final Order (Special Order Volume 120, Page 539), approving a loss of right due to failure to apply water to beneficial use under the terms of an order approving T-7974.
8. On July 6, 2021, Paul Garvin of Garvin HydroGeo, LLC, submitted a Request for Reconsideration in accordance with OAR 137-004-0080, on behalf of the applicant.
9. On September 1, 2021, the Department issued a Notice of Reconsideration of Final Order on Transfer Application T-7974.

Conclusions of Law

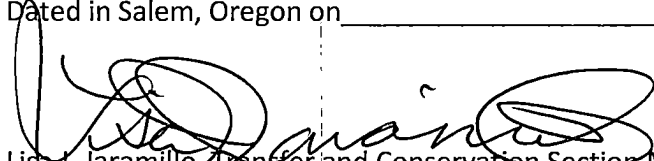
The conclusions of law in the May 12, 2021 Final Order, recorded at Special Order Volume 120, Pages 539 to 545, are incorporated herein.

Now, therefore, it is ORDERED:

This Final Order supersedes the May 12, 2021 Final Order, recorded at Special Order Volume 120, Pages 539 to 545 which is of no further force or effect.

SEP 28 2021

Dated in Salem, Oregon on _____



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

Mailing date: **SEP 29 2021**