BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Withdrawing Loss of Right) 1	FINAL ORDER ON RECONSIDERATION
Order for Transfer Application T-8428, Coos)	
County		

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.

ORS 536.075(2) and OAR 137-003-0675 describe the process for reconsideration of an order in a contested case.

Applicant

BRIDGE WATER DISTRICT 51554 OLD BIG CREEK RD MYRTLE POINT, OR 97458

Findings of Fact

- On January 20, 2000, BRIDGE WATER DISTRICT filed an application to change the place of use and character of use under Certificate 7561. The Department assigned the application number T-8428.
- 2. On October 16, 2001, Transfer Application T-8428 was approved and the order is recorded in Special Order Volume 55, Page 1158. Certificate 7561 was cancelled, and the right is considered inchoate.
- 3. The final order set a date of OCTOBER 1, 2002, for the changes to be completed. The claim of beneficial use was due OCTOBER 1, 2003.

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 September 3, 2021, the Department contacted the applicant by certified mail, notifying them of an incomplete transfer, and that the right involved with the transfer could be lost if a Claim of Beneficial Use or an Application for Extension of Time on Transfer T-8428 is not received. The Department requested a response by October 4, 2021.
- 5. On September 14, 2021, the Department received the signed certified mailing card, but the Department did not receive any further response to the incomplete transfer.
- 6. As of October 8, 2021, no Claim of Beneficial Use showing beneficial use of the inchoate water, or an Application for Extension of Time on Transfer T-8428 has been filed with the Department.
- 7. On January 4, 2022, the Department issued a Final Order (Special Order Volume 122, Page 297), approving a loss of right due to failure to apply water to beneficial use under the terms of an order approving T-8428.
- 8. On January 6, 2022, Daniel Horner, Bridge Water District Board Member, submitted a Request for Reconsideration in accordance with OAR 137-004-0080, on behalf of the applicant.
- 9. On January 26, 2022, 2022, the Department issued a Notice of Reconsideration of Final Order on Transfer Application T-8428.

Conclusions of Law

There is no loss of right under Transfer T-8428 for failure to submit a Claim of Beneficial Use or an Extension of Time.

Now, therefore, it is ORDERED:

- 1. This Final Order supersedes the January 4, 2022 Final Order, recorded in Special Order Volume 122, Pages 297-298.
- 2. The final order on loss of right recorded at Special Order Volume 122, Pages 297-298 is hereby withdrawn, and is of no further force or effect.

Dated in Salem, Oregon on_____

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for

THOMAS M. BYKER, DIRECTOR

Oregon Water Resources Department

Mailing date: APR 0 6 2022